DOCUMENT RESUME

ED 431 567 RC 021 883

TITLE	Academic Achievement of Elementary Students with Limited English Proficiency in Texas Public Schools. Policy Research Report Number 10.
INSTITUTION	Texas Education Agency, Austin. Office of Policy Planning and Research.
REPORT NO	GE8-600-03
PUB DATE	1998-01-00
NOTE	43p.; Figures may not reproduce adequately.
AVAILABLE FROM	Texas Education Agency, Publications Distribution, P.O. Box 13817, Austin, TX 78711-3817; Web site: http://www.tea.state.tx.us/research/abs2.htm#policy ($3.50; $3.25, tax exempt cost).
PUB TYPE	Numerical/Quantitative Data (110) -- Reports - Research (143)
EDRS PRICE	MF01/PC02 Plus Postage.
DESCRIPTORS	*Academic Achievement; Achievement Tests; *Bilingual Education Programs; Economically Disadvantaged; Elementary Education; *Elementary School Students; Enrollment Trends; Hispanic Americans; *Limited English Speaking; Longitudinal Studies; *Performance Factors; Public Schools; Socioeconomic Status; Spanish Speaking; Special Education; *Student Characteristics; Tables (Data)
IDENTIFIERS	*Texas; Texas Assessment of Academic Skills

ABSTRACT

This report presents findings about the academic performance of elementary students with limited English proficiency (LEP) who entered first grade in Texas public schools in 1992-93. In general, performance gaps existed between elementary LEP students and non-LEP students, in terms of Texas Assessment of Academic Skills (TAAS) results and retention rates. LEP students experienced a relatively higher incidence of living in poverty, of attending schools with concentrations of economically disadvantaged students, and of attending schools that, campus-wide, performed worse on TAAS. The report highlights factors that impact LEP students' academic achievement: socioeconomic status, consistency of services in special language programs, preschool attendance, mobility, regularity of school attendance, retention in grade, and prior experience taking the TAAS in English. Geographic distribution of grade-1 LEP students is shown for 1992-93, including data for education service center regions. LEP enrollment trends are presented, giving percent change from 1992-93 to 1996-97. Data are tabulated by district type (from urban to rural) and for education service regions within Texas. A profile of first-graders in 1992-93 shows gender, race/ethnicity, age, home language, and other statistics for LEP and non-LEP students. The report addresses teacher preparation issues in a special section. Texas is one of 32 states with licensing requirements for teachers of LEP students. The report contains figures, data tables, and 74 references. (CDS)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED 431 567

Policy Research

Published by the Texas Education Agency Office of Policy Planning and Research

Academic Achievement of Elementary Students With Limited English Proficiency in Texas Public Schools

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

☑ This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

Nancy Stevens

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

Report Number 10, January 1998

BEST COPY AVAILABLE

RC 021883

Policy Research

Published by the Texas Education Agency Office of Policy Planning and Research

Academic Achievement of Elementary Students With Limited English Proficiency in Texas Public Schools

This report presents findings about the academic performance of elementary students with limited English proficiency (LEP) who entered first grade in 1992-93. In general, performance gaps existed between elementary LEP students and non-LEP students, in terms of TAAS results and retention rates. LEP students experience a relatively higher incidence of living in poverty, of attending schools with concentrations of economically disadvantaged students, and of attending schools that, campus wide, perform worse on TAAS. Schools have traditionally had difficulty meeting the academic needs of economically disadvantaged students, and socioeconomic status alone explained much of the performance gaps between LEP and non-LEP students. Consistency of services also mattered. Those LEP students who were served in a consistent sequence of special language programs over a five-year period were less likely to be retained in grade than their peers who received a mix of services or had a break in services. Additional differences reflected prior prekindergarten experience. Compared to their LEP classmates who did not attend prekindergarten, LEP students who did attend prekindergarten were less likely to be retained, more likely to take English TAAS at Grade 5, and had higher passing rates on English TAAS. Other relationships between attendance, grade-level retention, mobility, and TAAS performance were similar to those already observed in the general population. For example, retained LEP students had relatively poorer attendance and higher mobility than LEP students who were promoted. And, fourth grade LEP students who had been retained did not perform as well on English TAAS as those who had taken the test on grade level the previous year. There is evidence of high growth between the first and second years of TAAS testing in English for LEP students. The LEP students taking the English TAAS for the first time did not perform as well as those who had previously taken the test in English. Attention should continue to be paid to LEP students as they enter the public education system, given implementation of the new state curriculum (Texas Essential Knowledge and Skills, or TEKS) and anticipated expansions of the state's assessment and accountability systems.

Report Number 10, January 1998

RC 021883

Project Staff

Mike Moses
Commissioner of Education

Joe Neely
Deputy Commissioner
Department of Finance and Accountability

Criss Cloudt
Associate Commissioner
Office of Policy Planning and Research

Nancy Stevens, Project Director
Richard Kallus

Vicky A. Killgore
Graphics, Layout, and Design

Research and Editorial Assistance

Policy Planning and Research
David Jacob
Maureen Moore Scheevel

Research and Evaluation
Michael Xinxiang Mao
Lynn T. Mellor
Maria D. Whitsett

Performance Reporting
Cherry Kugle
Betty Weed

Curriculum and Professional Development
Blanca Hernandez
Maria Seidner

Student Assessment
Shannon Housson
Ed Miller

Material in this publication is not copyrighted and may be reproduced. The Texas Education Agency would appreciate credit for the material used and a copy of the reprint.

Additional copies of this document may be purchased by using the order form found in the back of this publication.

Additional information about the *Policy Research Report* series may be obtained by contacting the Texas Education Agency Research and Evaluation Division at (512) 463-9701.

Academic Performance of Elementary Students with Limited English Proficiency in Texas Public Schools
Highlights

What appears to impact TAAS performance of LEP and non-LEP students?

Socioeconomic Status. Economically disadvantaged students had lower TAAS passing rates than their non-economically disadvantaged classmates regardless of English proficiency.

Ethnicity. Hispanic students had lower passing rates than non-Hispanic students among both LEP and non-LEP students.

Mobility. Students who remained on the same campus for Grades 1-5 had higher TAAS passing rates than their mobile counterparts; this was especially true for non-LEP students.

Attendance. Both LEP and non-LEP students who failed the Grade 5 English TAAS missed an average of one or one and a half more days of school each year in Grades 1-5 than students who passed the test.

Retention. Retained students did not perform as well on the Grade 4 English TAAS as students who were not retained, even though the retained students had received an additional year of instruction.

Campus Poverty. Percent economically disadvantaged students on a campus may have a negative impact on student academic performance independent of the influence on individual students of being economically disadvantaged.

What additional factors appear to impact TAAS performance of LEP students?

Mathematics. LEP students performed better on the mathematics test, which is less language dependent than the reading test.

Prekindergarten. LEP students who attended prekindergarten had higher Grade 5 TAAS passing rates than those who did not attend.

Prior TAAS Participation. LEP students taking the English TAAS for the first time did not perform as well as those who had previously taken the test in English. There is evidence of high growth between the first and second years of testing in English.

Special Language Programs. LEP students who were still in bilingual education or ESL programs had lower English TAAS passing rates than former LEP students who had exited those programs.

Academic performance was not examined in relation to type of special language program because different program goals effect at what grade students exit those programs and history of participation on the English TAAS.

Campus Effectiveness. The performance gap between LEP and non-LEP students on the reading test is smaller on campuses with the highest campuswide TAAS performance; however, those campuses also retain larger percentages of LEP students than lower performing campuses.

Introduction

In 1990, just over 6 percent of school-age children in the United States spoke a language other than English at home and had difficulty speaking English (NCES, 1995). Texas was second only to California in the number of school-age children with limited English proficiency (LEP) in 1990, and was one of only five states in which more than 10 percent of the school-age population had limited English proficiency. The other four states were California, Hawaii, New Mexico, and New York. Public school enrollment of LEP students by state mirrors these numbers (NCES, 1997).

Over 500,000 students enrolled in Texas public schools in 1996-97 were identified as having limited English proficiency. Although they represent over 13 percent of all students, previously little was known about the participation of LEP students statewide in special language programs over time. Furthermore, analysis of academic performance of LEP students was difficult because, once those students achieved proficiency in English, they were no longer identified as having limited English proficiency.

This report presents a longitudinal overview of academic performance of students entering first grade in Texas public schools in 1992-93. The report provides a demographic profile of Grade 1 students in 1992-93, and follows those students through the 1996-97 school year. Five-year patterns of student enrollment, campus mobility, participation in special programs, and grade-level promotion are examined. Analysis of 1996-97 Texas Assessment of Academic Skills (TAAS) reading and mathematics results focuses on participation and performance of students who were identified as having limited English proficiency when they entered Grade 1 five years earlier. A profile of 1996-97 Grade 1 students identifies changes in the demographic characteristics of students entering Texas public schools over the past five years. Finally, Texas policy related to LEP students is reviewed.

Background

In bilingual education programs students receive part of their instruction in their native language. In English as a second language (ESL) programs, they receive all instruction in English, but the English is simplified and the content enriched to make it more understandable. Other approaches focus on the development of English language skills rather than academic content. Studies of bilingual education and ESL programs rely on a number of research traditions – cognitive aspects of school learning, program evaluation, and research on schooling and classroom effectiveness (August & Hakuta, 1997). Within the program evaluation tradition, the case study methodology continues to be considered appropriate for in-depth study of the complex relationships between the many student, classroom, and school level variables in bilingual education programs (Carter & Chatfield, 1986; Baker, 1990). However, researchers are advocating a change in the focus of program evaluations to one that emphasizes identifying program components that are effective in a given context (August & Hakuta, 1997; Baker, 1990). Past studies have focused on efforts to determine which types of programs (bilingual education or ESL) are most effective. This change in focus has grown in part from the inconclusive findings of major studies of bilingual education and ESL programs and from criticisms of the methodologies used in those studies.

The increased emphasis on school accountability in the 1990s, both nationally and in Texas, has also led to an effort to include students with limited English proficiency in large scale national surveys and assessments such as the National Assessment of Educational Progress (Olson and Goldstein, 1996). In Texas, the Public Education Information Management System (PEIMS) has been used to collect individual student level data on Texas public school students for a sufficient number of years to conduct longitudinal analyses of educational progress of LEP students from the time they enter school until they participate in the TAAS, the state criterion-referenced testing program. Also, Spanish versions of the TAAS have been developed for Grades 3-6 to increase accountability for students who previously were exempt from the TAAS due to limited English proficiency.

This report is the first component of a larger study of academic performance of LEP students in Texas public schools that will be conducted by the Texas Education Agency (TEA) over the next year. The study focuses on issues that are of primary interest to state and local education policymakers related to the performance of students who enter school with limited English proficiency in a system with high performance standards. The first component is primarily descriptive in nature and limited to the elementary grades. Longitudinal retention rates and performance of LEP students who participate in the TAAS are examined. Later components of the study will look at educational progress of older LEP students, including high school course-taking patterns and school completion, and provide more in-depth analysis of academic performance.

LEP Policy Development

Describing the educational experiences of millions of "Mexican American" children in the Southwest as cruelly discriminatory, U.S. Senator Ralph Yarborough from Texas (1992)

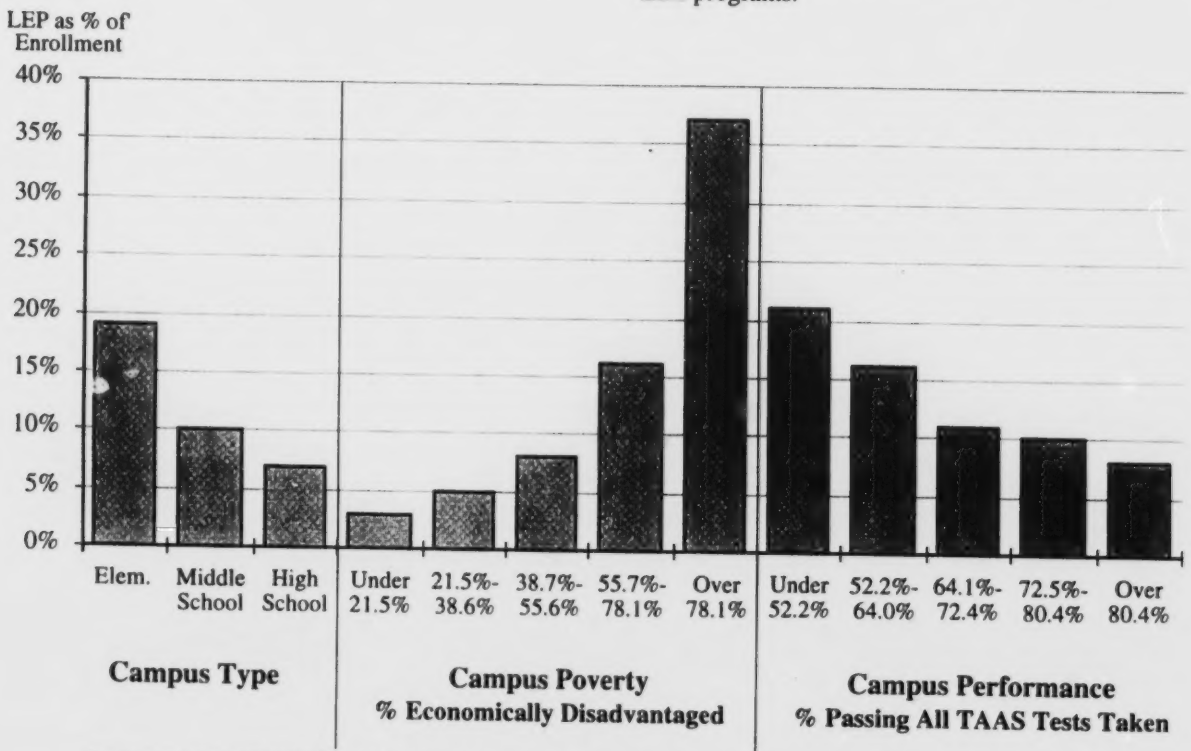
1996-97 LEP Student Enrollment

There were 514,139 LEP students enrolled in Texas public schools in 1996-97, representing over 13 percent of the total student body. This does not include former LEP students who were no longer identified as having limited English proficiency in 1996-97. Between 1992-93 and 1996-97 the LEP population increased by 29 percent, compared to an 8 percent increase in total students over the same period. About 91 percent of LEP students speak Spanish. In 1996-97 over 87 percent of LEP students were economically disadvantaged compared to 48 percent of non-LEP students. Students with limited English proficiency are less likely to be receiving special education services (8 percent compared to 12 percent for non-LEP students); however, 87 percent are receiving bilingual education or ESL services.

Enrollment of LEP students is highest in major urban districts (24 percent of all students) and lowest in rural districts (5 percent). Although LEP enrollment is highest on elementary campuses, there are also substantial numbers of LEP students on middle and high school campuses. Districts and campuses with overall low TAAS performance have higher LEP enrollments than those with high TAAS performance. Districts and campuses with high percentages of economically disadvantaged students also have high percentages of LEP students. Campus effectiveness and campus poverty are two factors that may be related to student achievement for all students regardless of their English proficiency.

Statewide 49 percent of LEP students are in bilingual education programs and 38 percent are in ESL programs. About 53 percent of Spanish-speaking LEP students are in bilingual education programs compared to only 10 percent of LEP students with Asian and other languages. Also, LEP students in middle schools and high schools and in districts with under 1,600 students are more likely to be in ESL programs.

In 1996-97, districts budgeted $395 million dollars, or 4 percent of their total instructional operating expenditures, for bilingual education and ESL programs. These funds, which include federal, state, and local revenues, cover expenditures beyond the cost of providing a regular instructional program. Seven percent of teacher full time equivalents (FTEs) are allocated to bilingual education and ESL programs.



Source: TEA PEIMS 1995-96 – 1996-97; TAAS 1995-96 Spring, Year-round and Spanish Tests

introduced legislation in 1967 to rectify the "folklore ... that everyone has an equal chance to succeed" (p. 323). The most promising area for progress, he said, was in the field of education. A year later, enactment of Title VII of the Elementary and Secondary Education Act, which became known as the Bilingual Education Act of 1968, marked the beginning of federal efforts to meet the "special educational needs of large numbers of children of limited English speaking ability in the United States." The Act made funds available directly to school districts with high concentrations of language-minority students from low-income families. These federal grants could be used to develop and operate bilingual education programs and related activities, such as teacher training, early childhood education, adult education, vocational education, and dropout reduction.

In Texas, which had always been home to one of the largest populations of Hispanics in the country, several school districts across the state were already operating preschool programs under a 1959 law intended to improve the communication skills of non-English speaking children before they entered first grade (Act approved June 1, 1959; TEA, 1962). By 1964, two South Texas school districts, Laredo United Consolidated and San Antonio, had begun experimenting with bilingual education programs in the elementary grades (Leo, 1985). It took five more years, however, before the 61st Texas Legislature passed HB 103, the state's first bilingual education bill (Act approved May 22, 1969). Before doing so, lawmakers would have to repeal the "English Only" statute of 1918, which made it a misdemeanor for any teacher or administrator to use a language other than English in school or to prescribe textbooks not printed in the English language, except in high school foreign language classes.

House Bill 103 began by acknowledging English as the primary language of instruction in school, but went on to emphasize "the fact that instruction in the earlier years which includes the use of language the child understands makes learning easier." Accordingly, the legislation allowed, but did not require, school districts to provide bilingual instruction through Grade 6. TEA approval was required before a district could offer bilingual education in the secondary grades. Although no state funds were appropriated for implementing the bill, by 1970 federal Title VII grants totaling almost $2 million were supporting some 27 bilingual programs in Texas school districts (Leo, 1985).

In Washington at this time, government officials began considering the implications of recent civil rights legislation for children with limited English proficiency. The Office for Civil Rights (OCR) in the Department of Health, Education, and Welfare expressed concern that compliance reviews conducted under Title VI of the Civil Rights Act of 1964 had revealed practices in some school districts that effectively denied an equal educational opportunity to "Spanish-surnamed" students. In a memorandum issued May 25, 1970, to all federally-funded school districts with "more than five percent national origin-minority group children," OCR clarified that: "where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the education program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students" (OCR, [1975]). This correspondence set the stage for a series of future judicial actions that would dramatically change the course of bilingual education in the United States.

The following year, during the 62nd Texas legislative session, Representative Carlos Truan introduced two bills (HB 495 and HB 1024) in a push to strengthen the state's bilingual education laws. Although neither bill passed, the efforts led the State Board of Education (SBOE) to issue a more comprehensive policy statement on bilingual education (San Miguel, Jr., 1987). Under the Revised Statewide Design for Bilingual Education, each bilingual program was required to: introduce the school environment using the child's first language; develop the child's language skills in both the first language and English; teach subject matter and concepts using both languages; and help the child develop a positive self-image through an appreciation of his or her cultural heritage (SBOE, 1971). Soon after the policy was approved, TEA published a resource manual to help school districts implement bilingual education programs (TEA, [1972]). The guide described the importance of incorporating the student's native language in the educational process, asserting that "bilingual education is not merely using the first language of a child as a bridge to English and then eliminating the first language as proficiency in English is attained. It is the total development of the child bilingually so that he can function within his own capabilities in two languages." (p. 2)

At the same time the SBOE was refining its position on bilingual education, the U.S. Eastern Division Court was considering claims involving the San Felipe and Del Rio school districts brought under *United States v. State of Texas* (1971/1972), an ongoing desegregation case. One of the major issues in the litigation was whether the school districts were providing Mexican American students an equal educational opportunity. On August 6, 1971, Judge William Wayne Justice ordered that the two districts be consolidated, and four

months later, instructed the San Felipe/Del Rio Consolidated Independent School District to implement a comprehensive program of bilingual/bicultural education. The court's plan closely followed recommendations submitted by the Department of Health, Education, and Welfare (HEW) that sought to reinforce the "cultural and linguistic pluralism of the student body" (Hardgrave, Jr., & Hinojosa, 1975, p. 42).

On the heels of the court's ruling, and with support from the Texas Association for Continuing Adult Education and the League of United Latin American Citizens (LULAC), the 63rd Legislature passed Senate Bill (SB) 121, the Texas Bilingual Education and Training Act of 1973 (San Miguel, Jr., 1987). The Act directed each school district in which 20 or more LEP students in the same grade shared the same language classification the previous year to institute a program of bilingual instruction beginning with the 1974-75 school year. As defined by legislators, bilingual education was to be a full-time program of dual-language instruction in all subjects required by law. LEP students, however, were not to be segregated from their English-speaking peers in "predominantly nonverbal" classes, such as art, music, and physical education. While the Act applied only to Grade 1 the first year, it required that one grade be added each succeeding year until bilingual education was offered in all elementary grades through Grade 6. The Act did not address the education of LEP students in Grades 7-12.

To fund bilingual education, the state appropriated $2.7 million for the biennium (TEA, [1974]); districts were allocated $15 for each LEP student to purchase instructional materials (House Study Group, 1981). The SBOE, meanwhile, was directed to adopt bilingual textbooks to be made available free under the state textbook program. To address the need for qualified teachers, the SBOE prepared to promulgate rules governing bilingual teacher certification, and TEA began establishing bilingual education training institutes for public school personnel. Another priority for educators was the curriculum, because by the end of the first year of mandated bilingual education, there were still no guidelines available for the program (House Study Group, 1981).

Early in 1974, the courts again took up the issue of equal educational opportunity for language-minority students. The U.S. Supreme Court, in a civil rights suit brought by a group of Chinese students against the San Francisco School District, ruled that the district's failure to provide language assistance for the students violated federal law by denying them "a meaningful opportunity to participate in the education program of the district." In the unanimous decision, the justices declared in *Lau v. Nichols* (1974) that "there is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education." The court found, moreover, that OCR had correctly interpreted the Civil Rights Act of 1964, and that the rules laid out in the agency's 1970 memorandum essentially carried the weight of law. While both the Supreme Court and OCR clearly admonished school districts to provide some form of special language assistance for LEP students, it is important to note that neither prescribed a specific methodology or type of program (U.S. Commission on Civil Rights, 1975). Bilingual education, up to this point, was still considered only one option available to school districts.

In August, Congress enacted the Equal Educational Opportunity Act of 1974. The legislation allowed an individual to initiate civil action if he or she was denied equal educational opportunity. Among the circumstances expressly defined in the Act as constituting such a denial was "the failure by an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional program." The law thus obliged all school districts, not just those receiving federal funds, to comply with Title VI of the Civil Rights Act and the OCR guidelines of 1970 (Arizona Department of Education, [1977]).

Also that year, the federal Bilingual Education Act of 1974 superseded the 1968 Act. Congress expanded the scope of the program by deleting the requirement that children served come from low-income families. In addition, the new law for the first time provided a federal definition of an appropriate bilingual education program. Such a program, in part, was to offer instruction given in the native languages of LEP students "to the extent necessary to allow [them] to progress effectively through the educational system." Combined with events at the state level, the wave of federal actions that took place in 1974 forced many school districts to begin reevaluating not only their educational goals, but their obligations as well.

In Texas that year, TEA received a U.S. Commission on Civil Rights report that was critical of bilingual education programs in several Southwestern states, including Texas (U.S. Commission on Civil Rights, 1974). The commission found that Mexican American students in these states were still frequently subject to discrimination and ethnic segregation. In addition to being seriously underfinanced and reaching only a fraction of the LEP student population, many of the bilingual programs failed to adequately address Mexican American culture and history. The State Board of Education, before submitting its

LEP Enrollment Trends

The number of LEP students enrolled in Texas public schools grew from 398,633 in 1992-93 to 514,139 in 1996-97 – an increase of 115,506 students. The highest growth in both numbers of LEP students and LEP students as a percent of total enrollment took place in districts located in major urban areas and their surrounding suburbs. Major urban districts are the state's eight largest metropolitan districts serving the Houston, Dallas, San Antonio, Fort Worth, Austin, and El Paso areas. About one-third of the LEP students in the state are enrolled in major urban districts. The LEP populations in these districts increased from 19 percent of total enrollment in 1992-93 to 24 percent in 1996-97. Major suburban districts are other districts in and around the major urban areas. Although these districts experienced high growth in total enrollment as well as LEP enrollment from 1992-93 to 1996-97, their LEP populations increased from 8 percent of total enrollment to 11 percent over the 5 years.

	LEP Students 1996-97	Change From 1992-93	Percent Change
District Type			
Major Urban	176,207	42,500	32%
Major Suburban	119,332	41,538	53%
Other Central City	96,739	14,526	18%
Other CC Suburban	55,503	5,779	12%
Independent Town	21,631	5,186	32%
Non-metro Fast Growing	7,619	2,313	44%
Non-metro Stable	28,018	1,640	6%
Rural	8,468	1,453	21%
ESC Region			
1 Edinburg	115,816	7,612	7%
2 Corpus Christi	6,488	-1,687	-21%
3 Victoria	2,529	478	23%
4 Houston	125,293	33,775	37%
5 Beaumont	2,251	744	49%
6 Huntsville	6,420	3,023	89%
7 Kilgore	7,457	3,702	99%
8 Mt. Pleasant	1,750	729	71%
9 Wichita Falls	1,083	411	61%
10 Richardson	74,176	27,468	59%
11 Fort Worth	29,645	10,830	58%
12 Waco	5,595	2,699	93%
13 Austin	19,610	7,183	58%
14 Abilene	1,423	-62	-4%
15 San Angelo	3,807	632	20%
16 Amarillo	6,710	2,001	42%
17 Lubbock	4,910	8	0%
18 Midland	10,621	1,118	12%
19 El Paso	52,208	12,921	33%
20 San Antonio	35,725	1,350	4%
Pct Econ Disadvantaged			
Under 20%	23,609	8,603	57%
20% to 30%	24,179	10,112	72%
30% to 40%	17,632	5,491	45%
40% to 60%	115,889	36,314	46%
60% to 80%	213,693	47,013	28%
Over 80%	118,515	7,402	7%

There were fewer LEP students enrolled in districts in the Corpus Christi (Region 2) and Abilene (Region 14) regions in 1996-97 than in 1992-93, and almost no change in LEP enrollment in the Lubbock region (Region 17). Enrollment of LEP students increased at a slower rate than total enrollment in the San Antonio region (Region 20) and at the same rate in the Edinburg region (Region 1). In all other regions LEP enrollment increased at a faster rate than total enrollment. The largest increases in number of LEP students were in the major urban regions of Houston, Richardson, Fort Worth, and El Paso. However, the number of LEP students almost doubled in the Huntsville, Kilgore, and Waco regions.

Districts in which 40 to 80 percent of the students are economically disadvantaged had greater increases in numbers of LEP students from 1992-93 to 1996-97 than districts in which there are more or fewer economically disadvantaged students. Although districts in which 20 to 30 percent of the students are economically disadvantaged had a smaller increase in number of LEP students, this represented a 72 percent increase from 1992-93 to 1996-97. By comparison, there was only a 7 percent increase in districts in which more than 80 percent of the students are economically disadvantaged.

legislative recommendations, asked TEA to conduct a study of the deficiencies identified by the commission (SBOE, 1974a). In a report to the 64th Legislature in November, the SBOE described the condition of bilingual education in the state and urged lawmakers both to revitalize the system with "increased and continued financial support" and to enhance it by including kindergarten (SBOE, 1974b, p. 3).

When several bills were introduced that session amending the bilingual education act, key opponents of the legislation orchestrated what Senator Carlos Truan later referred to as an "awful tradeoff"(House Study Group, 1981, p. 6). House Bill 1126, the public school finance bill, passed in 1975 with an amendment to the bilingual education laws that added kindergarten to the mandatory program, but removed Grades 4-6 (Act approved June 6, 1975). Although state funds would be provided for bilingual education in Grades 4 and 5, the programs were optional. Bilingual instruction beyond the fifth grade could only be offered at the district's expense.

In response to the reductions, LULAC and the American G.I. Forum joined the Mexican American Legal Defense and Education Fund (MALDEF) in efforts to reactivate *United States v. State of Texas*, the statewide desegregation case that had begun in 1970. New motions filed by the plaintiffs in June 1975 alleged that the state had failed to take steps to remedy discriminatory educational practices against Mexican American students, thus denying them equal educational opportunity (*United States v. State of Texas*, 1981/1982). In seeking relief, the plaintiffs asked the court to require TEA to implement a plan to provide a program of bilingual instruction to all LEP students in Texas. Six years would go by before a decision in the case was reached.

While Texas continued to struggle with decisions about how best to serve a growing LEP population, federal policies were quickly becoming more stringent. Following the 1974 Supreme Court decision in *Lau v. Nichols*, OCR organized a task force to develop guidelines to help school districts comply with the court's ruling (Office for Civil Rights, [1975]). The resulting "Lau remedies" were distributed to all state education agencies in 1975, and regional "Lau centers" were established across the country to provide technical assistance to districts (Harrington, 1980). Now, each school district found to be out of compliance would have to submit a plan to OCR designed to eliminate past educational inequities by meeting the language needs of its LEP students or risk the loss of all federal funding under the Elementary and Secondary Education Act (ESEA).

Between 1976 and 1978, federal scrutiny of Texas bilingual programs steadily intensified. TEA officials met periodically with representatives of OCR during that time to discuss development of state standards for bilingual education that would satisfy civil rights criteria. Despite these efforts, however, at least 40 Texas school districts were cited for noncompliance by June of 1978 (Vega, 1983). OCR subsequently moved to withhold some $14 million in federal funds available under the Emergency School Aid Act of 1972, legislation aimed at helping districts with high percentages of minority students and districts undergoing desegregation.

As TEA and other state officials protested the move in Washington, the State Board of Education was preparing to adopt administrative rules to implement its "Texas State Plan for Bilingual Education." The SBOE first adopted the rules on an emergency basis in June 1978, voting to expand the mandatory program beyond the statutory limit of Grade 3 to include Grades 4 and 5 and to require English language development services in Grades 6-12 (SBOE, 1978a). The rules applied to all districts in which any LEP students were identified, not just those with 20 or more LEP students with the same language classification in any one grade level.

By the time the SBOE adopted the rules on a permanent basis in November of 1978, concern over potential program costs and teacher shortages had substantially weakened the plan (SBOE, 1978b; Vega, 1983). Mandatory bilingual instruction was again confined to Grades K-3 in districts with 20 or more LEP students with the same language classification enrolled in the same grade, with programs in Grades 4 and 5 being optional. Although districts would now be required to offer English language development services for all LEP students in Grades K-12 who were not provided bilingual education, no state funds were made available for the program.

Finally, the plan allowed a district to classify a student as non-LEP when the student scored as low as the 23rd percentile on the reading and language arts sections of TEA-approved achievement tests, a controversial provision that sharply reduced the level of proficiency previously required for reclassification. In a memorandum to school districts two years earlier, TEA had required minimum scores at or above the 40th percentile for transfer from a bilingual program, explaining that "a child whose primary language is other than English should be able to demonstrate English proficiency to an extent that his integration into and participation in the regular school program will in no way be jeopardized by a deficiency in English language skills" (*United States v. State of Texas*, 1981/1982).

The new Texas State Plan for Bilingual Education had been in effect less than a year when hearings began December 3, 1979, in the bilingual education suit brought by MALDEF under *United States v. State of Texas* (1981/1982). During eight days of trial, the court received numerous documents and heard extensive testimony regarding the historical treatment of Mexican Americans in Texas schools and the adequacy of the state's response to the educational needs of LEP children. Although the importance of special language services in helping LEP students participate successfully in school was not questioned by either side in the case, there was considerable dispute over how the statewide program was being implemented. Judge Justice ordered the parties to submit their final briefs to the court by April 1, 1980.

When the Texas Legislature convened in January 1981, proponents of bilingual education held little hope of gathering enough support to pass enhanced legislation (San Miguel, Jr., 1987). Bills proposing to extend mandatory bilingual coverage to additional grades had failed during both the 1977 and 1979 sessions. In addition, several national reports had recently been published, including an evaluation of Title VII projects by the U.S. Office of Education, that raised doubts about the efficacy of bilingual education for increasing school achievement. Just two weeks into the session, however, news of a decision in the *United States v. State of Texas* case quickly transformed the political debate.

On January 9, Judge Justice issued a 67-page memorandum opinion, declaring that the state's educational program for LEP students, "while an improvement over past practices, is wholly inadequate" (*United States v. State of Texas*, 1981/1982). The judge found that, through a history of "pervasive, invidious discrimination" against Mexican Americans, the state had violated the equal protection clause of the Fourteenth Amendment to the U.S. Constitution. Moreover, the state's failure to take appropriate remedial measures constituted a violation of the Equal Educational Opportunity Act of 1974. The court went on to enumerate the "myriad deficiencies of the [state's] existing educational program" in areas such as program coverage, LEP identification procedures, entrance and exit criteria, and monitoring and enforcement.

Based on these findings, Judge Justice concluded that an immediate and comprehensive plan of relief was necessary "to eliminate the discriminatory effects of the past and to assure future compliance with the laws of the land." The parties were ordered to submit a joint plan by March 2, 1981, or, if they were unable to reach agreement, to submit separate proposals by March 9. As outlined in the court decree, certain elements would have to be included in a suitable plan of relief. The plan had to require, first and foremost, that bilingual instruction be made available to all Mexican American LEP students in Texas for "as long as necessary to fulfill their educational potential." To ensure adequate staffing, TEA would have to implement aggressive strategies for recruiting and training bilingual teachers. A home language survey had to be administered to every incoming student, not just Spanish-surnamed children, and English proficiency would be determined using teacher observations, as well as achievement test results.

To measure their progress, students enrolled in bilingual programs had to be evaluated at the end of each year. Program exit criteria would have to include the student's English language test scores, oral proficiency in English, mastery of specific language skills, teachers' judgments, and parental opinions. As part of the plan, TEA would have to visit each school district in the state at least once every three years to monitor compliance with state regulations. Districts consistently found to be out of compliance with state law would face "severe sanctions, including loss of accreditation and funding."

Unable to negotiate a mutually acceptable plan of relief, the parties to the suit eventually submitted separate proposals. Judge Justice, maintaining the state had used its plan merely to reassert its support of current bilingual policies, entered a remedial order on April 17 (Leo, 1985). The order closely followed the plan laid out in the judge's memorandum opinion, but added several important provisions. School districts were required to establish language proficiency assessment committees to review LEP student placement, and parental advisory committees to monitor compliance with the court's order. In addition, TEA was to request that districts offer six-week summer school sessions for LEP students.

About the same time Judge Justice issued his remedial order, the Texas Legislature received a special task force report on bilingual education (Task Force on Bilingual Education, 1981). The 15-member group, during a month-long evaluation, had identified flaws in the state's existing program and agreed on a number of recommended changes. However, the group had struggled to reach a consensus on the best methodology for teaching LEP students at the secondary level. While seven members of the group felt bilingual instruction was essential in all grades through high school, seven others believed the program should not be extended past the elementary grades (San Miguel, Jr., 1987). The chair of the task force eventually broke the tie, and the group went on record supporting mandatory bilingual education only through Grade 6.

Encouraged by events in the Eastern Division Court, Senator Carlos Truan, meanwhile, had introduced SB 477 in February. The proposal reflected the ambitious guidelines presented in Judge Justice's memorandum opinion of January 9 (House Study Group, 1981). At hearings held by the Senate Education Committee in March, legislators took issue with numerous aspects of the bill, including the scope of the proposed program and the costs associated with it (San Miguel, Jr., 1987). The senators voted to send SB 477 to subcommittee for further study.

A month later, when the task force issued its report on bilingual education, Senator Truan made the decision to amend SB 477. The compromise legislation, he hoped, would win support by incorporating many of the report's recommendations, including the limitations on mandatory bilingual instruction (San Miguel, Jr., 1987). Despite continued opposition that forced a series of last-minute changes to the measure, SB 477 was finally passed on June 1, 1981 (Act approved June 12, 1981). The bill required school districts to offer bilingual instruction through the elementary grades (at least through Grade 5), but retained the provision in earlier law restricting the mandate to districts with 20 or more LEP students with the same language classification in the same grade. In Grades 7 and 8, school districts had to offer bilingual education, English as a second language (ESL), or "other transitional language instruction" approved by TEA. Students in Grades 9-12 were to receive ESL services. In addition, school districts were encouraged to establish preschool, summer school, and extended day or week programs for LEP students. Instruction in all special language classes was to consider the students' cultural background and learning experiences.

For the first time, the commissioner of education was authorized to grant exceptions to the mandatory program of bilingual instruction in the elementary grades. A school district requesting a one-year exception had to provide detailed evidence of a shortage of bilingual education teachers in the district and present a plan to increase staffing to appropriate levels. During the exception period, the district would have to use "alternative methods" approved by the commissioner to meet the needs of its LEP students. The SBOE in the meantime was required to develop a comprehensive plan to meet the teacher supply needs created by the law and submit it to the legislature by January of 1983.

Borrowing from Judge Justice's remedial order, the bill required districts to establish language proficiency assessment committees (LPACs) to implement SBOE-adopted standards for identifying, assessing, and classifying LEP students. It included program exit criteria similar to those stipulated in the order, while specifying that a LEP student had to score at or above the 40th percentile on the reading and language arts sections of a TEA-approved achievement test before being reclassified. Moreover, SB 477 directed TEA to monitor local compliance by visiting each school district at least once every three years.

The legislature appropriated approximately $18 million to fund the bilingual education program for the biennium (House Study Group, 1981). Under the bill, school districts would receive a special allowance of $50 for each LEP student enrolled in a bilingual program. Districts would also for the first time receive funding for LEP students in ESL or special language classes in the amount of $12.50 per student. These allotments could be used for program and pupil evaluation, instructional materials, staff development, and supplemental staff expenses.

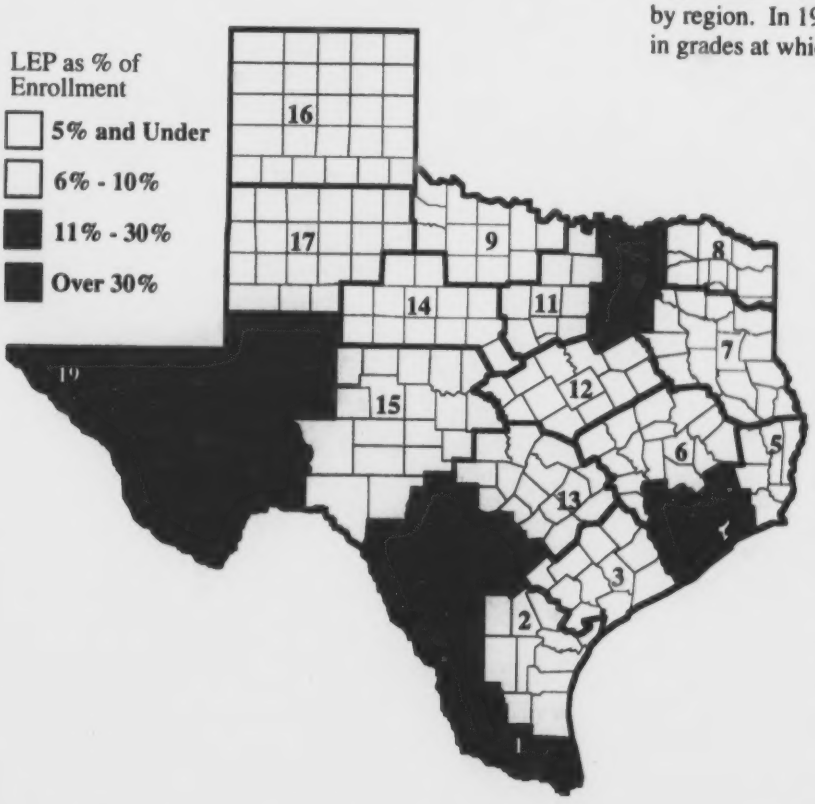
While the SBOE prepared to change its rules to implement the new law, legal action continued in the Eastern District Court (Leo, 1985). Judge Justice's remedial order instructing TEA to phase in mandatory bilingual education in Grades K-12 beginning with the 1981-82 school year was still in effect. In July, the state appealed the case to the Fifth U.S. Circuit Court of Appeals, which stayed the judge's order just as schools were set to open. Criticizing Judge Justice for relying on questionable evidence, the court overturned the case on July 12 the following year (*United States v. State of Texas*, 1981/1982). The three-judge appeals panel declared that the "fundamentally flawed" facts behind Justice's ruling "form a slender basis indeed for the sweeping statewide order imposed by the trial court."

Adopted on an emergency basis in July 1981, the SBOE rules on bilingual education contained two provisions that caused Senator Carlos Truan to accuse the SBOE of "subverting legislative intent" (House Study Group, 1981, p. 21; SBOE, 1981a). First, the rules continued to allow school districts under certain circumstances to consider reclassifying a LEP student who scored as low as the 23rd percentile on the reading and language arts sections of an achievement test. Originally introduced in the SBOE's 1978 Texas State Plan for Bilingual Education, the provision had been denounced for keeping many LEP students from needed services. Senate Bill 477 appeared to clarify the question of proficiency by specifying among the program exit criteria achievement test scores at or above the 40th percentile.

The eligibility criteria for students in kindergarten and first grade were a second source of concern (House Study Group, 1981). Under SBOE rules, students in Grades K-1 could be classified as LEP or non-LEP based exclusively on a test of oral English

The makeup of the LEP population in Texas public schools in 1996-97 varies by region. The border regions of Edinburg (Region 1) and El Paso (Region 19) have the highest concentrations of LEP students; in 1996-97 over one-third of their students were identified as having limited English proficiency. However, with over 125,000 LEP students, it was the Houston region (Region 4) that had the largest number of LEP students. At the other end of the spectrum are the Beaumont (Region 5), Mt. Pleasant (Region 8), Wichita Falls (Region 9) and Abilene (Region 14) regions, where LEP students number fewer than 3,000 and represent only 3 percent of the students enrolled in 1996-97.

Spanish is the native language of 91 percent of LEP students statewide, and is the native language of over 80 percent of students in all regions except Beaumont. Only 66 percent of the LEP students in the Beaumont region speak Spanish while 27 percent speak Asian languages.



Asian students represent 3 percent of LEP students statewide. It is the Houston, Richardson (Region 10), and Fort Worth (Region 11) regions that have the largest numbers of Asian students; 79 percent of all Asian LEP students attend school in those three regions.

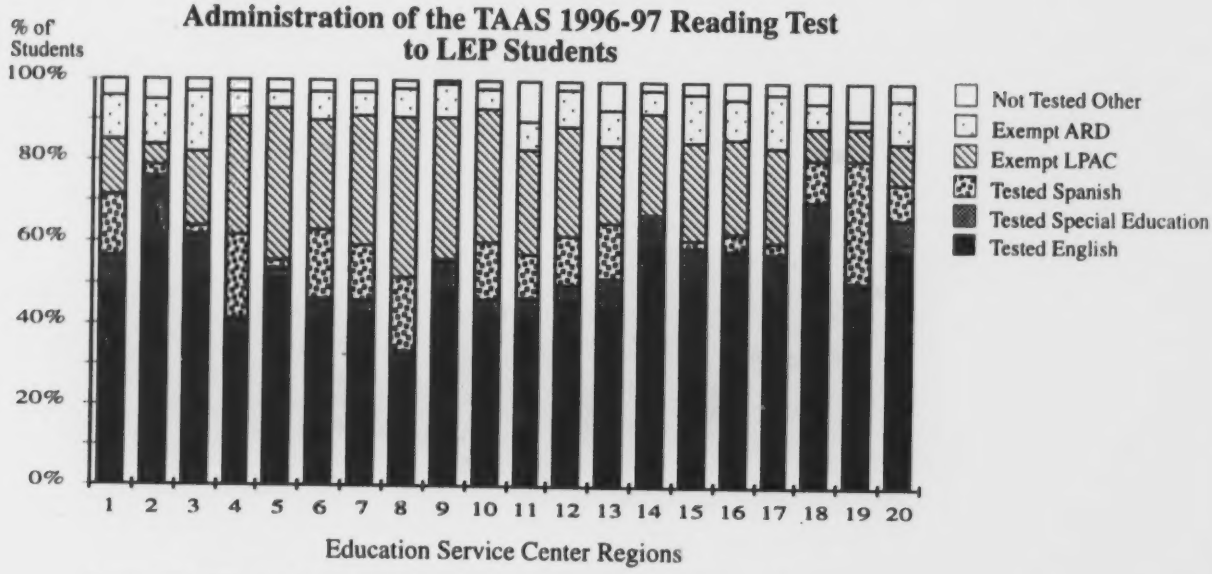
The type of special language services LEP students receive vary based on number of LEP students in the area with the same language, grade-level of students, and availability of teachers. At least half of the LEP students in the Edinburg, Austin (Region 13), San Angelo (Region 15), Midland (Region 18), El Paso, and San Antonio (Region 20) regions were in bilingual education programs in 1996-97, while three-fourths of the LEP students in the Mt. Pleasant and Abilene regions are in ESL programs. The El Paso region has the largest percentage of LEP students not in any type of special language program.

Test administration practices for LEP students also vary by region. In 1996-97 about half (51%) of LEP students in grades at which the TAAS is administered took the reading test in English and 16 percent took the reading test in Spanish. The remaining LEP students were exempted from the TAAS by the LPAC (22%) or ARD (7%), or were not tested for some other reason such as absence (4%). Students exempted from the TAAS are administered a locally selected alternative assessment.

Currently only non-special education English TAAS results for students enrolled in the district by October are included in the TAAS performance indicator used to accredit districts and rate campuses. Statewide 13 percent of LEP students were identified as special education in 1996-97; however, this varied from a low of 6 percent in the Beaumont region to a high of 27 percent in the Corpus Christi (Region 2) region.

BEST COPY AVAILABLE

Center Regions



Source: TEA PEIMS 1996-97; TAAS 1996-97 Spring, Year-round, and Spanish Tests

1996-97 LEP Student Enrollment

ESC Region	Number of Districts	Number of Students	LEP as % of Enrollment	Spanish as % of LEP	Asian as % of LEP	Other Language as % of LEP	Bilingual as % of LEP	ESL as % of LEP	No Program as % of LEP
1 Edinburg	38	281,570	41%	99%	0%	1%	63%	28%	9%
2 Corpus Christi	42	112,471	6%	90%	2%	8%	41%	36%	23%
3 Victoria	40	57,659	4%	92%	6%	2%	26%	56%	18%
4 Houston	55	809,479	16%	89%	6%	5%	48%	40%	12%
5 Beaumont	29	87,556	3%	66%	27%	7%	31%	65%	4%
6 Huntsville	56	125,082	5%	89%	3%	8%	38%	49%	13%
7 Kilgore	96	157,626	5%	91%	2%	7%	39%	50%	11%
8 Mt. Pleasant	48	55,412	3%	94%	0%	6%	22%	75%	3%
9 Wichita Falls	40	42,604	3%	82%	9%	9%	18%	63%	19%
10 Richardson	81	532,328	14%	82%	5%	13%	37%	56%	7%
11 Fort Worth	77	369,084	8%	85%	9%	6%	33%	63%	4%
12 Waco	78	131,977	4%	85%	4%	11%	20%	54%	26%
13 Austin	56	240,431	8%	86%	5%	9%	50%	33%	17%
14 Abilene	43	50,792	3%	86%	2%	12%	12%	76%	12%
15 San Angelo	43	52,679	7%	98%	0%	2%	53%	39%	8%
16 Amarillo	65	80,969	8%	92%	5%	3%	25%	58%	17%
17 Lubbock	60	83,790	6%	92%	1%	7%	25%	51%	24%
18 Midland	33	84,451	13%	98%	0%	2%	52%	25%	23%
19 El Paso	12	152,540	34%	97%	0%	3%	58%	14%	28%
20 San Antonio	51	315,476	11%	95%	1%	4%	58%	24%	18%

Source: TEA PEIMS 1996-97

BEST COPY AVAILABLE

proficiency; reading and writing proficiency were not considered. Despite "more than 300 letters and telegrams" of protest, these provisions were left unchanged when the SBOE finally adopted the rules in November (House Study Group, 1981, p. 22; SBOE, 1981b).

With new bilingual education policies in place, TEA met with the Office for Civil Rights to renew collaboration in the "voluntary enforcement of civil rights laws" (Office for Civil Rights, 1982). Two days of discussion in March 1982 led to a memorandum of understanding between the agencies. Under the agreement, school districts determined by TEA to be in compliance with SB 477 and the new SBOE rules would, in effect, also be in compliance with federal requirements under Title VI of the Civil Rights Act of 1964.

During a special session in the summer of 1984, the Texas Legislature passed sweeping education reforms in HB 72, the Education Reform Act, that included two new initiatives for young children with language difficulties. A prekindergarten program was established for four-year-olds who have limited English proficiency or come from low-income families. In addition, the bill directed school districts to offer eight-week summer programs for LEP children ages four through six who would be eligible to enter kindergarten or first grade the following year. House Bill 72 also dramatically altered state funding for bilingual education. The previous per-pupil allowance was replaced with a weighted pupil formula that allocated the adjusted basic allotment multiplied by 0.1 for every student in a special language program. As a result, state funding for bilingual programs would increase from $7 million in 1983-84 to $37 million in 1986-87 (TEA, 1987).

Over the next decade, the legislature and SBOE supplemented bilingual education policy with initiatives in areas such as assessment and the curriculum. Following a pilot study in spring 1986, the SBOE began developing Spanish-language versions of the statewide testing instrument known as the Texas Educational Assessment of Minimum Skills (TEAMS) to help measure the progress of LEP students (SBOE, 1986a; TEA, 1987). The SBOE at the same time adopted rules that allowed school districts under certain circumstances to consider exempting LEP students from TEAMS (SBOE, 1986b).

In 1989, the legislature required TEA to establish and evaluate pilot prekindergarten programs for three-year-old children (Act approved June 16, 1989, ch. 813; Act approved June 16, 1989, ch. 1179). The SBOE adopted new curriculum essential elements for bilingual education and ESL in 1991 and continued to develop alternative teacher certification programs to help offset bilingual teacher shortages (SBOE, 1991a; SBOE, 1991b; SBOE, 1991c; SBOE, 1991d; SBOE, 1991e). Finally, in 1994, the SBOE approved a plan to develop Spanish-language versions of the Texas Assessment of Academic Skills (TAAS), which had replaced TEAMS during the 1990-91 school year (SBOE, 1994).

Current Texas Policy

Today in Texas, districts are required to offer bilingual education programs in the elementary grades if 20 or more students with the same language are enrolled in the same grade. English as a second language programs are offered for LEP students in the secondary grades, and at the elementary level when there are too few students with the same language enrolled at the same grade level to offer a bilingual program.

In July 1997 the SBOE adopted new Texas essential knowledges and skills (TEKS) for Spanish Language Arts, which are to be used in bilingual Spanish instruction, and for ESL (19 TAC Chapter 128), replacing essential elements of the state mandated curriculum that had been in place since 1986. The TEKS are more detailed and more rigorous than the essential elements they are replacing, and establish learning standards or expectations for students rather than material to be presented (TEA, 1997g).

Districts that are unable to provide required bilingual education programs because there are not sufficient numbers of teachers at the school fluent in the native languages of the students must apply to the commissioner for an exception to the program. In this situation, certified personnel are assigned to the lowest grade levels first, beginning with prekindergarten. Districts that do not have a sufficient number of certified teachers to provide required ESL programs must apply to the commissioner for a waiver of certification requirements for the teachers who will provide ESL services to LEP students.

Currently, a LEP student in Grades 3-8 may be (1) exempted from the TAAS and administered an alternative assessment, (2) administered the Spanish version of the TAAS (available for Grades 3-6), or (3) administered the English TAAS. No combination of options one and two may be used for more than three administrations of the TAAS. After that time, the student must be administered the English version of the test. State Board of Education rules allow one postponement of the exit-level test for recent immigrants (students who have entered the country within 12 months of the date the test is administered).

The local language proficiency assessment committee (LPAC) has

primary responsibility for determining the eligibility of LEP students to participate in the statewide assessment program and for identifying the appropriate alternative assessment for students exempted from the TAAS. Alternative assessments must be selected from a list of commercial instruments approved by TEA. The Texas Education Agency receives aggregate information concerning the number of students in each grade who are administered each alternative assessment and the number demonstrating improvement in reading, writing, and mathematics. This information is not published because there is not a consistent basis on which to compare results of the different tests.

Test results for LEP students who are enrolled in the district by the end of October and take the English TAAS are included in the state accountability rating system. Results for LEP students are included in the base TAAS indicator used to determine district accreditation status and campus performance ratings. The TAAS performance indicator – the percentage of students passing each test (reading, writing, and mathematics) summed across grades – is evaluated for individual student groups (African American, Hispanic, White, and economically disadvantaged), as well as for all students tested. The English TAAS results are not disaggregated based on native language or level of English proficiency.

Spanish versions of the TAAS reading, mathematics, and writing tests have been developed for Grades 3-6. Beginning in 1996-97, Spanish TAAS results are reported on the Academic Excellence Indicators System (AEIS) reports. Decisions regarding use of the Spanish TAAS in the state accountability rating system have not been finalized. The commissioner has proposed that Spanish TAAS results be included in the accountability rating system and is currently seeking input from educators regarding when to make this change. He has also initiated development of a standardized reading proficiency test in English (RPTE) that would be administered to all LEP students who do not take the English TAAS to measure their progress toward achieving English proficiency.

1992-93 Grade 1 Students

Student Characteristics

There were 275,142 students enrolled in Grade 1 for the first time in Texas public schools in 1992-93. (An additional 24,929 students were repeating first grade that year.) The beginning first graders in 1992-93 were 48 percent white, 35 percent Hispanic, 14 percent African American, and 2 percent Asian. About 94 percent were six years old on September 1, 1992; most of the remaining students were seven years old. Many (83%) attended kindergarten the prior year, and 23 percent attended prekindergarten programs two years earlier. About half of the first grade students (51%) were economically disadvantaged and 29 percent were identified as being at risk of school failure or dropping out. Students were identified as being at risk in Grade 1 if they did not perform satisfactorily on a beginning-of-school-year readiness or achievement test, had limited English proficiency, had been a victim of abuse, or engaged in delinquent conduct (TEA, 1992).

There were 50,352 students, or 18 percent of the 1992-93 beginning first graders, who had limited English proficiency. Spanish was the native language of 87 percent of the LEP students. In fact, almost half (48%) of the Hispanic beginning first graders had limited English proficiency. Four percent of the LEP students spoke Asian languages (Vietnamese, Laotian, Cambodian, Chinese, Korean, or Japanese), representing half (50%) of all Asian first graders. English was spoken in the homes of 7 percent of the LEP students. Most (90%) of the LEP students from English-speaking homes were Hispanic.

Among the 50,352 first graders considered to have limited English proficiency in this study were 3,034 students who were not identified in 1992-93 as having limited English proficiency. About one-fourth (26%) of these 3,034 students had been identified as having limited English proficiency in kindergarten the prior year; all were identified in later grades. Most (91%) of the LEP students not identified in Grade 1 were Hispanic, but almost two-thirds (65%) came from homes where English was spoken.

As Table 1 on Page 14 shows, the LEP students differed in a number of ways from students who did not have limited English proficiency. As would be expected, most were ethnic minorities, with Hispanic (93%) and Asian (5%) students making up the largest groups. A much higher percentage, 87 percent compared to 43 percent of non-LEP students, were economically disadvantaged. Limited English proficiency was one of the criteria for identifying elementary students as being at risk (TEC §29.081, 1996), and 94 percent of the LEP students were identified as being at risk of school failure or dropping out.

The LEP students started first grade at about the same age as their non-LEP classmates. Students with limited English proficiency and non-LEP students also attended public school kindergarten the prior year at about the same rate. However, a much larger percentage (45%) of LEP students attended public school prekindergarten programs two years

Table 1
Profile of 1992-93 Beginning First Graders

	All Grade 1	Not LEP	LEP *
Gender:			
Male	51%	51%	52%
Female	49%	49%	48%
Race/Ethnicity:**			
African American	14%	17%	0%
Asian	2%	1%	5%
Hispanic	35%	22%	93%
White	48%	59%	2%
Other	0%	0%	0%
Age September 1, 1992:**			
Under 6	0%	0%	0%
6 years old	94%	94%	94%
7 years old	5%	5%	6%
Over 7	0%	0%	0%
Home Language:**			
Spanish			87%
Asian			4%
English			7%
Other			3%
Economically Disadvantaged	51%	43%	87%
At Risk	29%	14%	94%
LEP *	18%	0%	100%
Bilingual Education			67%
ESL			18%
Special Education	7%	8%	4%
Gifted	4%	4%	2%
Migrant	1%	0%	3%
Immigrant	2%	0%	9%
Kindergarten in 1991-92	83%	84%	82%
Prekindergarten in 1990-91	23%	18%	45%
Total Students	275,142	224,790	50,352

Source: TEA PEIMS 1990-91–1996-97
* Includes students not identified as LEP until later years.
** Percentages may not add to 100 due to rounding.

Students with limited English proficiency beginning Grade 1 in 1992-93 differed from their non-LEP classmates on a number of characteristics.

earlier, which districts are required to offer for economically disadvantaged and LEP students.

Fewer LEP students were receiving special education services — 4 percent compared to 8 percent of the non-LEP students. Only 2 percent of LEP students were served in programs for gifted and talented students, compared to 4 percent of non-LEP students.

Understandably, LEP students were more likely to be identified as recent immigrants; they were also more likely to be from migrant families.

Campus/District Characteristics

There were 3,268 campuses with students beginning Grade 1 in 1992-93; LEP enrollment ranged from no Grade 1 LEP students on 788 campuses to 100 percent of Grade 1 students on 10 campuses. Campuses located in major urban school districts, the state's largest metropolitan districts serving the Houston, Dallas, San Antonio, Fort Worth, and El Paso areas, had first grade classes with the highest average percentage of LEP students — 28 percent of their Grade 1 students had limited English proficiency. Districts located in other central cities and their suburbs also had first grade classes that were, on average, over 20 percent limited English proficient. The lowest percentages were in rural districts, where an average of 8 percent of the beginning Grade 1 students in 1992-93 had limited English proficiency.

Districts and campuses with high percentages of economically disadvantaged students also had higher percentages of LEP students among their first graders. In their 1995 study of LEP students, Moss and Puma identified a poverty factor related to the performance of students in schools with high concentrations of economically disadvantaged students. This relationship is explored further in this study.

Larger percentages of LEP students were also found on large campuses, compared to smaller campuses. On elementary campuses with 800 or more students, an average of 26 percent of the Grade 1 students had limited English proficiency in 1992-93, compared to 9 percent on campuses with fewer than 200 students. This is due in part to the fact that more LEP students live in large urban districts where elementary campuses tend to be larger.

Students with limited English proficiency are not distributed uniformly across the state. In the border regions of Edinburg (Region 1) and El Paso (Region 19), the first grade classes consisted of 65 and 47 percent LEP students, respectively. By comparison, as Figure 1 shows, LEP students

made up less than 5 percent of the first grade classes in the Beaumont (Region 5), Kilgore (Region 7), Mt. Pleasant (Region 8), and Wichita Falls (Region 9) regions. Twenty percent of the first grade students in the Houston region (Region 4) had limited English proficiency in 1992-93; however, this accounted for 24 percent of the Grade 1 LEP students in the state. Over three-fourths (78%) of the Grade 1 LEP students lived in five regions: Edinburg, Houston, Richardson (Region 10), El Paso, and San Antonio (Region 20).

One school of research on the effectiveness of bilingual education and ESL programs emphasizes the study of program effectiveness within the broader context of school effectiveness (Carter & Chatfield, 1986; August & Hakuta, 1997). School-wide performance on the TAAS is one measure of the effectiveness of Texas public schools. Schools with low overall TAAS performance have larger percentages of LEP students than schools with high overall TAAS performance. This pattern is also evident at the district level. This means bilingual education and ESL programs are more likely to be found in districts and schools with low TAAS performance. This relationship also is explored further in this study.

Five Years Later

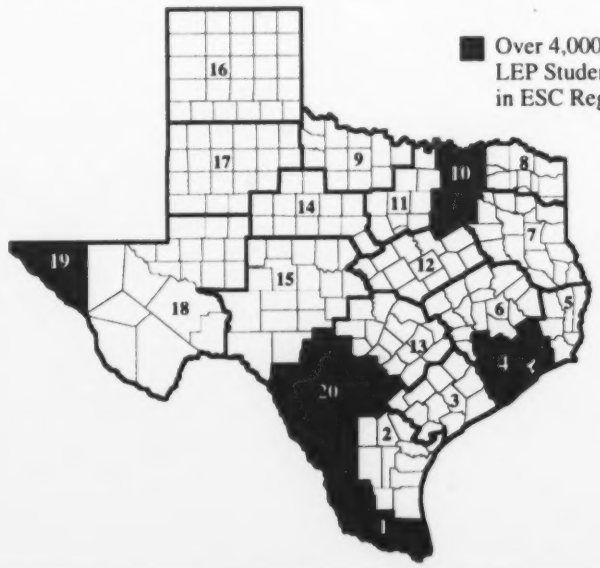
Student Characteristics

Of the 275,142 students in the 1992-93 first grade class, 237,070 or 86 percent were still enrolled in Texas public schools in 1996-97. The remaining 14 percent, or 38,072 students, had withdrawn from the Texas public school system and not returned by 1996-97. Of the 50,352 LEP students from the 1992-93 first grade class, 44,073 or 88 percent were still enrolled in Texas public schools in 1996-97; half (50%) of those remaining were receiving special language services in 1996-97.

The percentage of students identified as being at risk of school failure or dropping out had increased from 29 percent in 1992-93 to 36 percent in 1996-97 for the 1992-93 first grade class as a whole. However, that number decreased from 94 percent to 67 percent for LEP students. If having limited English proficiency was the only reason a student was identified as being at risk, the at-risk designation would have been dropped when the student was no longer considered to have limited English proficiency.

The percentage of students identified as gifted and talented increased for both the first grade class as a whole (from 4% to 11%) and for the LEP students in that class (from 2% to 6%). Growth in students identified as gifted and talented is due primarily to increased identification of students in the later elementary grades. However, programs for gifted and talented

Figure 1
Geographic Distribution of Grade 1 LEP Students in 1992-93



Education Service Center Regions

		LEP Students	% of Grade 1 Enrollment			LEP Students	% of Grade 1 Enrollment
1	Edinburg	12,126	65%	11	Fort Worth	2,475	9%
2	Corpus Christi	942	12%	12	Waco	520	5%
3	Victoria	305	7%	13	Austin	1,721	10%
4	Houston	11,823	20%	14	Abilene	195	6%
5	Beaumont	192	3%	15	San Angelo	581	15%
6	Huntsville	532	6%	16	Amarillo	674	12%
7	Kilgore	523	5%	17	Lubbock	686	11%
8	Mt. Pleasant	144	4%	18	Midland	1,276	20%
9	Wichita Falls	92	3%	19	El Paso	5,223	47%
10	Richardson	6,272	16%	20	San Antonio	4,050	18%

Source: TEA PEIMS 1992-93–1996-97

Large numbers of LEP students live in major urban areas throughout the state as well as in the border regions.

BEST COPY AVAILABLE

students also expanded during that period from representing 7 percent of students statewide in 1992-93 to 8 percent in 1996-97.

Special Language Programs

Most of the LEP students who began Grade 1 in 1992-93 received special language services at some time during the next five years. In Texas, commissioner of education rules define two types of special language programs – bilingual education and English as a second language. Bilingual education programs are designed to ensure that students master the content of the essential knowledge and skills of the state-mandated curriculum in their first language, and in English as their skills progress, while learning English. Students receive content area instruction in both languages. English as a second language programs are defined as intensive programs of instruction designed to develop student proficiency in English and in content areas using second language methodologies. Students in ESL programs receive all instruction in English (19 TAC §89.1210).

However, within these broad definitions there is wide variation in program characteristics and goals. August and Hakuta (1997) define seven types of bilingual education and ESL programs. Students in *English as a second language* programs receive instruction in English-language skills, focusing on grammar, vocabulary, and communication, rather than academic content areas. In *content-based ESL* programs, instruction is structured around academic content rather than generic English language skills.

Students in *sheltered instruction* arrangements receive subject matter instruction in English, modified based on their level of English proficiency. *Structured immersion* is an approach similar to sheltered instruction used with groups of students with different native languages. Although the English instruction is modified based on level of English proficiency, there is no native-language support.

In *transitional bilingual education* programs, students receive some instruction in their native language; however, the goal of the program is to transition to English as quickly as possible. In *maintenance bilingual education* programs, on the other hand, the goal is not only to develop English proficiency, but also to develop academic proficiency in the native language. Therefore, students receive significant amounts of instruction in their native language. *Two-way bilingual programs* include both native speakers of English and students with limited English proficiency. The goal of these programs is to develop proficiency in both languages for both groups of students.

Different approaches are often combined at the school level in an effort to match student needs with available teachers. In Texas, districts report student special language program assignments to TEA as either bilingual education or ESL, based on the definitions in commissioner of education rules. Undoubtedly, both labels cover programs with a variety of instructional approaches and program goals.

Patterns of special language program participation from 1992-93 through 1996-97 varied for the LEP students in the study. Due to the large number of different program participation patterns, the LEP students in the study were placed in one of six groups shown in Table 2. The groups are based on the type of special language services (bilingual education or ESL) students received over the five years from 1992-93 to 1996-97 and whether they received services continuously beginning in Grade 1.

The most common pattern, representing 22,760 students or 52 percent of the LEP students who were still enrolled in 1996-97, was for students to be enrolled in bilingual education

Table 2
Years of Special Language Services 1992-93 to 1996-97 for LEP Students Entering Grade 1 in 1992-93

	LEP Students	0 - 3 Years	4 - 5 Years
Bilingual Education	22,760	33%	67%
ESL	6,191	53%	47%
Bilingual to ESL	3,688	11%	89%
Combination Bilingual and ESL	1,342	14%	86%
Non-consecutive Services	6,503	58%	42%
No Services	3,589	100%	0%
TOTAL	44,073	43%	57%

Source: TEA PEIMS 1992-93–1996-97

Students entering Grade 1 in 1992-93 were placed in one of six groups based on (1) the type of special language services (bilingual education or ESL) they received for the next 5 years and (2) whether they received successive years of services beginning in Grade 1 before exiting to the regular classroom. The most common 5 year pattern of services was for students to be in bilingual education progams beginning in Grade 1 until they exited to the regular classroom.

programs for one to five years beginning in 1992-93. One-fourth (26%) of the LEP students in the study who were still enrolled in 1996-97 had been in bilingual education programs for all five years from 1992-93 to 1996-97. Fourteen percent of the LEP students were enrolled in ESL programs for one to five years beginning in1992-93; 5 percent had been in ESL programs for all five years from 1992-93 to 1996-97.

It was not uncommon for students to be moved from bilingual education to ESL programs at some time during the five years. Over 8 percent of students were moved from bilingual education programs to ESL programs after one or more years and either remained in the ESL programs through 1996-97 or exited to the regular classroom from the ESL program before 1996-97. Commissioner of education rules direct districts that are not able to provide bilingual education programs at all grade levels as required to assign certified bilingual education teachers to the lowest grade levels first beginning with prekindergarten (19 TAC §89.1205). This practice can result in students moving from bilingual education programs in the early elementary grades to ESL programs in later grades. Program changes may also be associated with student mobility, which is discussed in the next section. Another 3 percent of LEP students in the study received from two to five consecutive years of special language services beginning in 1992-93, in some other combination of bilingual education and ESL programs.

Fifteen percent were enrolled in special language programs at some time during the five years but did not receive services for successive years beginning in Grade 1. This group includes students who did not receive special language services in 1992-93 but were enrolled in bilingual education or ESL programs in later years. It also includes students for whom there was a break in special language services, including students who left the Texas public school system and later returned. The remaining 8 percent of students did not receive special language services at any time throughout the five years at the request of their parents.

Over 39 percent of the LEP students in the study who were still enrolled in 1996-97 had been in special language programs for all five years from 1992-93 to 1996-97, and 57 percent had been in special language programs at least four years. The number of years students received special language services varied by type of program, as shown in Table 2. For example, one-third (33%) of students in bilingual education programs were in the programs for three or fewer years before being mainstreamed into the regular classroom, compared to half (53%) of the students in ESL programs. The students receiving the most years of special language services were those who moved from bilingual education programs to ESL programs during the five years, and those who were in some other combination of bilingual education and ESL programs beginning in Grade 1.

The types of special language programs in which students were served varied by native language of the students, or the language spoken in the home. As Figure 2 on Page 18 shows, Spanish-speaking students were more likely to be served in bilingual education programs than in either ESL programs or combinations of bilingual education and ESL programs in Grades 1-5. Students speaking Asian and other non-English languages were served predominantly in ESL programs. Students with limited English proficiency from homes in which English is spoken were more likely to have received no special language services between 1992-93 and 1996-97 or to have had a break in services at some time. Districts are required to offer bilingual education programs for LEP students in elementary grades if there are 20 or more students with the same language in the same grade. Otherwise, they must offer ESL programs. The smaller numbers of LEP students with languages other than Spanish and the difficulty of finding teachers who speak the languages of the students may explain the large percentages of students with Asian and other languages in ESL programs.

Special Education

The percentage of students in the study receiving special education services increased from 7 percent in 1992-93 to 15 percent in 1996-97. The gap between LEP and non-LEP students had narrowed over the five years, with 13 percent of LEP students receiving special education services in 1996-97 compared to 15 percent of non-LEP students. Sixteen percent of LEP students received special education services at some time between 1992-93 and 1996-97, compared to 21 percent of non-LEP students. As Table 3 shows, students who received

Table 3
Year First Identified for Special Education
1992-93 Grade 1 Students

	Percent of Total Students	
	LEP	Not LEP
Never	84%	79%
1992-93	4%	8%
1993-94	3%	4%
1994-95	3%	3%
1995-96	3%	3%
1996-97	3%	2%
Total Students	44,073	192,997

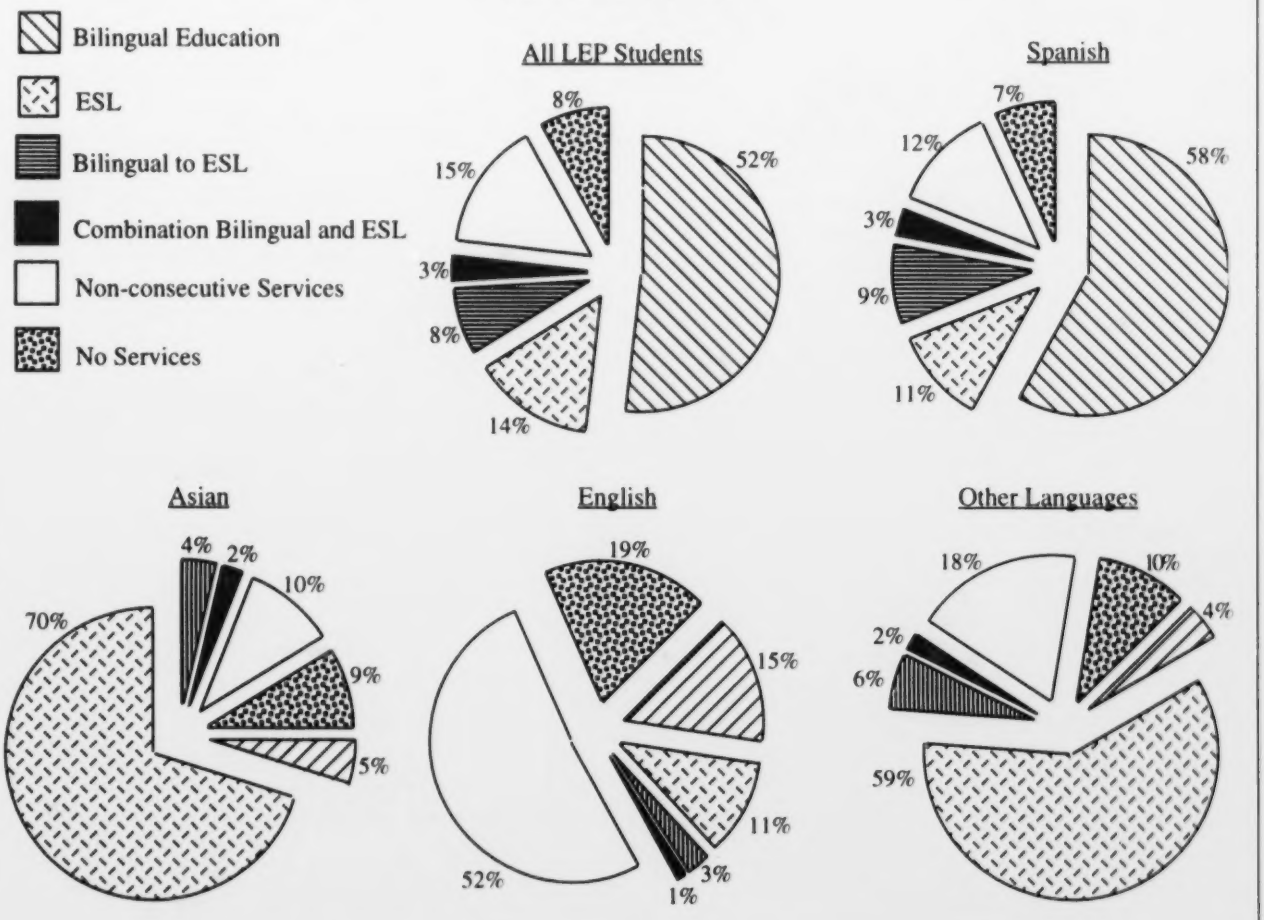
Source: TEA PEIMS 1992-93–1996-97

Non-LEP students tend to be identified for special education earlier than LEP students.

special education services were most likely to have been first identified for special education in 1992-93, with smaller percentages identified in later years. This pattern is less distinctive for the LEP students in the study. Students did not necessarily continue receiving services from the time they were first identified for special education through Grade 5.

Studies conducted in other states have found that language difficulties are sometimes misdiagnosed as learning disabilities, resulting in disproportionate numbers of LEP students being assigned to special education programs (TEA, 1994). Analysis of five-year special education program participation patterns for LEP students who began first grade in 1992-93 does not reveal any pattern of identification for special education services in relation to participation in, or exit from, special language programs. In addition, as shown earlier, LEP students in the 1992-93 first grade class were less likely to have been identified as needing special education services than their non-LEP classmates. Because the LEP students are

Figure 2
Five Year Special Language Program Participation Patterns for LEP Students Entering Grade 1 in 1992-93 by Home Language



Source: TEA PEIMS 1992-93–1996-97

Over half of Spanish-speaking students were served in bilingual education programs until they exited to the regular classroom; students with other languages were more often served in ESL programs. The LEP students from homes where English was spoken were enrolled in special language programs at some time during the five years but often did not receive services for successive years beginning in Grade 1.

identified for special education services later than non-LEP students, the relationship between participation in special language programs and identification for special education services may be different for older students.

Mobility

Almost three-fourths (73%) of the 1992-93 Grade 1 students who were still enrolled in 1996-97 had been continuously enrolled in the same school district for the five years, but only 37 percent had remained on the same campus. As Figure 3 shows, 35 percent of the non-LEP students still enrolled in 1996-97 had made one campus move in the five years.

For 14 percent, this was a normative move. Normative moves are those that result from regular student progress that all students are expected to make, for example, moving from an elementary school to a middle school between fifth and sixth grades. Normative moves are prescribed by the school system based on the grade configurations of the campuses in each district. The most common grade configurations for Texas elementary schools range from the early childhood grades through Grade 5 or 6. However, there are also many elementary campuses that do not include Grade 5. In 1995-96, 18 percent of elementary campuses that included Grade 1 did not extend through Grade 5 (TEA, 1997c). Consistent with the grade configurations of Texas elementary schools, normative moves were highest between the 1995-96 and 1996-97 school years, when most 1992-93 first graders would be moving from Grade 4 to Grade 5 – 14 percent made normative moves that year.

Non-normative moves are initiated b the student's family and include students returning to the Texas public school system after they have been gone for one or more years.

Non-normative moves are fairly consistent over the five years with 16 to 18 percent of students making non-normative moves each year. By 1996-97, 22 percent of the 1992-93 Grade 1 students still enrolled in Texas public schools had made one non-normative move. Twenty-eight percent of the students had made two or more moves, including both normative and non-normative moves.

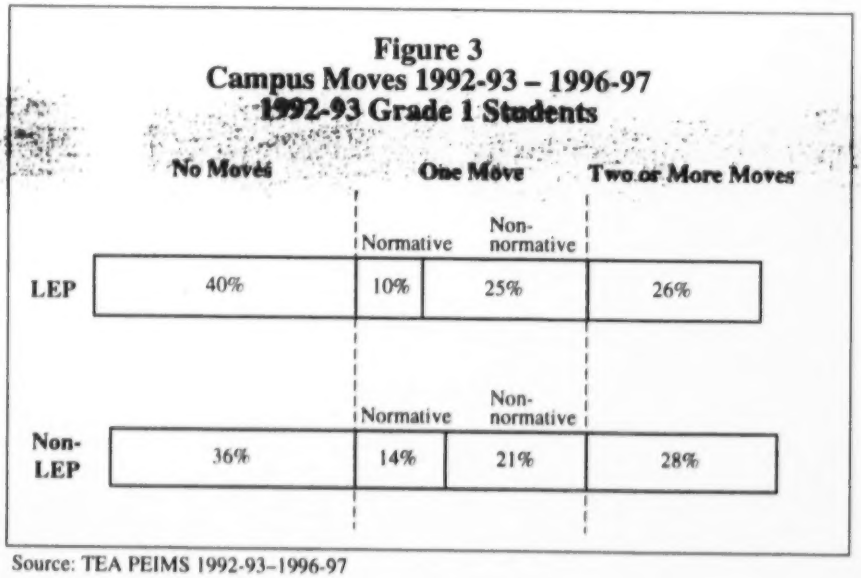
The mobility patterns of LEP students were similar to those of the 1992-93 first grade class as a whole. Overall, LEP students were slightly less mobile – 78 percent were continuously enrolled in the same district and 40 percent on the same campus over the five years. As Figure 3 shows, the same percentage of LEP students changed campuses once during the five years as non-LEP students; however, for the LEP students the move was more likely a non-normative move initiated by the family.

There is a relationship between the mobility of LEP students and patterns of participation in special language programs. Students who received the same type of services all five years, whether that was bilingual education, ESL, or no special language program, were more likely to have remained on the same campus all five years than other LEP students. Students who made a non-normative move, and those who made two or more moves (including both normative and non-normative moves) over the five years, were more likely to have received a mix of services (moving between bilingual education and ESL programs over the five years) or to have had a break in services.

Grade-level Retention

Grade-level retention, having a student repeat a grade he or she was unable to successfully complete, has traditionally been the chief remedy for academic failure and is one indicator that a student is not making sufficient academic progress. The LEP students who entered Grade 1 in 1992-93 were more likely to be retained before reaching Grade 5 than their non-LEP classmates. However, student demographic characteristics such as ethnicity and socioeconomic status, mobility, and participation in prekindergarten programs were

Figure 3
Campus Moves 1992-93 – 1996-97
1992-93 Grade 1 Students



Source: TEA PEIMS 1992-93–1996-97

The LEP students entering Grade 1 in 1992-93 were slightly less mobile than their non-LEP classmates over the next five years.

BEST COPY AVAILABLE

related to retentions for LEP students. Hispanic students were retained at higher rates than Asian or White students. Also, LEP students who were economically disadvantaged, mobile, or did not attend prekindergarten were retained at higher rates than their classmates. The gap in retention rates between LEP and non-LEP students was highest on campuses on which school-wide performance on the TAAS was high.

Eighty-eight percent of the 1992-93 Grade 1 students who were still enrolled in 1996-97 had advanced to Grade 5; most of the remaining 12 percent were in Grade 4. Over 8 percent were retained in Grade 1 in 1993-94. The longitudinal retention patterns for the 1992-93 Grade 1 students are consistent with annual retention rates reported for Grades 1 through 4 from 1992-93 to 1994-95 (TEA, 1996).

Table 4
Five-Year Retention Rates
1992-93 Grade 1 Students

	Retention Rates	
	LEP	Not LEP
Year First Retained		
Not Retained	82%	89%
Grade 1	12%	7%
Grade 2	3%	2%
Grade 3	2%	1%
Grade 4	1%	1%
Ethnicity		
Asian	8%	3%
Hispanic	19%	13%
White	15%	9%
SocioeconomicStatus		
Economically Disadvantaged	19%	16%
Not Economically Disadvantaged	7%	6%
Prekindergarten		
Prekindergarten	16%	16%
Did Not Attend	21%	17%
Not Eligible	—	6%
Mobility		
No Moves	16%	9%
1 Normative	12%	6%
1 Non-normative	21%	14%
2 or More Moves	20%	15%

Source: TEA PEIMS 1992-93–1996-97

Higher retention rates for LEP students can be explained in part by factors other than English proficiency.

Until 1996, Texas State Board of Education rules restricted the number of times students could be retained in grade. Except under special circumstances, students could not be retained more than one time in prekindergarten through Grade 4, nor more than one time in Grades 5-8 (19 TAC §75.195, 1996). Only 381 of the 1992-93 Grade 1 students who were still enrolled in 1996-97 had been retained more than once between 1992-93 and 1996-97.

As Table 4 shows, the retention rate among the LEP students in the study was higher than for their non-LEP classmates. Only 82 percent of LEP students were in Grade 5 in 1996-97. Twelve percent of the LEP students in the study were retained in Grade 1; higher percentages of students were also retained for the first time in Grades 2 and 3. The pattern of higher retention rates for LEP students holds for the three major ethnic groups represented by LEP students – Hispanic, Asian, and White, also shown on Table 4.

Schools have traditionally had difficulty meeting the academic needs of economically disadvantaged students and the higher retention rates among LEP students can be explained in large part by the higher percentages of LEP students who are economically disadvantaged. Retention rates are much higher for economically disadvantaged students among both the LEP and non-LEP groups. Economically disadvantaged students include those students who were reported as economically disadvantaged at any time from 1992-93 to 1996-97.

Among both LEP and non-LEP students who began Grade 1 in 1992-93, retentions were related to mobility over the next five years. Students who had progressed to Grade 5 by 1996-97 were more likely to have remained on the same campus all five years, or made one normative move. Students who were retained in grade one or more times during the five years were more likely to have made a non-normative move or to have changed campuses two or more times including both normative and non-normative moves. A study of student mobility in Texas public schools (TEA, 1997b) found that mobility rates are higher for ethnic minorities and economically disadvantaged students, groups who frequently demonstrate relatively lower academic performance regardless of their mobility. However, even when controlling for these characteristics, the academic performance of mobile students was found to be worse than that of stable students.

First graders in the study who attended prekindergarten programs two years earlier were less likely to be retained in the next five years than their classmates who were eligible for prekindergarten programs but did not attend. As Table 4 shows, the difference is greater for LEP students than non-LEP students. Of those LEP students who did not attend prekindergarten, 21 percent were retained before they reached Grade 5, compared to 16 percent of the LEP students who did attend prekindergarten.

As might be expected, the LEP students in the study who were retained were slightly more likely to have received special language services for all five years from 1992-93 to 1996-97 than their classmates who were not retained. They were also more likely to have received a

mix of bilingual education and ESL services over the five years or to have had a break in services.

Students who were retained had lower average attendance rates over the five years from 1992-93 to 1996-97 than students who were not retained. The difference was greater for non-LEP students than for LEP students. Both LEP and non-LEP students who had not been retained missed an average of five days of school each year from 1992-93 to 1996-97. Retained LEP students missed an average of seven days each year, compared to nine days for non-LEP students who were retained. A study of 1995-96 Grade 1 students in Texas public schools found that students with higher attendance rates were more likely to be promoted than students with poorer attendance rates, where other factors were taken into account (TEA, 1997a). Higher student attendance was also related to students being judged by their teachers as making more overall progress in school and as having higher mastery levels of the essential elements.

Campus Characteristics. Four campus characteristics were examined in relation to five-year retention rates of students who entered first grade in 1992-93. The campus size, percentage of students who are economically disadvantaged, and percentage of students who have limited English proficiency are based on campus-wide enrollment in 1996-97. The percentage of students passing all TAAS tests taken is based on 1996-97 TAAS performance of students on the campus who were enrolled in the district by October 25, 1996. Because many students changed campuses over the five years and the retentions could have taken place at any grade, retention rates by campus characteristics were computed for only those 1992-93 Grade 1 students who remained on the same campus for the five years from 1992-93 to 1996-97.

Campuses with higher 1996-97 TAAS passing rates retained smaller percentages of non-LEP students over the five years from 1992-93 to 1995-96 than poorer performing campuses, but slightly larger percentages of LEP students. As a result, the gap in retention rates between LEP and non-LEP students is largest on high performing campuses (those with over 85 percent of students passing the TAAS), as shown on Table 5. Based on grade-level retentions alone, high performing campuses do not appear to have more effective programs for LEP students than campuses with lower overall TAAS performance.

There is no relationship between percent of LEP students on the campus and five-year retention rates of 1992-93 Grade 1 students for either LEP or non-LEP students. However, there is a relationship between percent economically disadvantaged students on a campus and five-year retention rates. Campuses with fewer than 25 percent economically disadvantaged students retain fewer LEP and non-LEP students than campuses with more economically disadvantaged students. As discussed earlier, this relationship can be explained in part by the high retention rates for economically disadvantaged students.

There is no clear relationship between retention rates and campus size. However, campuses with fewer than 200 students have the largest gap in retention rates between LEP students and non-LEP students – 19 percent of the 1992-93 Grade 1 LEP students who remained on the same campus were retained, compared to 5 percent of the non-LEP students, a 14-point difference in five-year retention rates.

Grade 5 TAAS Participation

The Texas Assessment of Academic Skills (TAAS), a statewide testing program that was first implemented in 1990-91, focuses on students' higher order thinking and problem-solving skills. Each student in Grades 3-8 and 10 is required to take the TAAS reading and mathematics tests, except under the following circumstances: the local admission, review, and dismissal (ARD) committee may exempt a special education student from testing; the local LPAC may exempt a LEP student from both the English and Spanish versions of the test; or a student may not participate for other reasons, such as absence on the day of testing. Eighty-one percent of the LEP students in the study who had been promoted to Grade 5 took

Table 5
Five-Year Retention Rates
1992-93 Grade 1 Students
by Campus Characteristics

	Retention Rates	
	LEP	Not LEP
Campus Size		
Under 200	19%	5%
200 to 400	19%	10%
400 to 600	15%	10%
600 to 800	15%	8%
Over 800	18%	9%
% Economically Disadvantaged		
Under 25%	8%	5%
25% to 50%	18%	9%
50% to 75%	18%	11%
Over 75%	16%	12%
Campus % LEP 1996-97		
No LEP Students	—	9%
Under 5%	16%	8%
5% to 20%	17%	9%
Over 20%	16%	11%
Campus % Passing TAAS		
Under 65%	15%	12%
65% to 75%	17%	11%
75% to 85%	18%	9%
Over 85%	20%	6%

Source: TEA PEIMS 1992-93–1996-97

Retention rates for both LEP and non-LEP students vary by campus characteristics.

the Grade 5 TAAS reading test and 83 percent took the mathematics test, compared to 94 percent of the non-LEP students. The LEP students who had been mainstreamed into the regular classroom took the English TAAS at the same rate as their non-LEP classmates. However, economically disadvantaged students were less likely to take the Grade 5 TAAS than students who were not economically disadvantaged, regardless of English proficiency. The LEP students who attended prekindergarten programs were more likely to be tested and more likely to be tested in English than those who did not attend.

At the time of TAAS testing, campuses submit an answer document for each student enrolled in the grades tested, whether or not that student takes the test. Answer documents for the 1996-97 Grade 5 TAAS were found for 83 percent of the 1992-93 first graders who were still enrolled in Texas public schools in 1996-97. Students for whom answer documents could not be found include students who were retained in grade at some time between 1993-94 and 1996-97 and were, therefore, not eligible to take the Grade 5 test. In addition, students who were enrolled in a Texas public school in October 1996 but left the system before the spring TAAS testing date would not have a TAAS answer document. Finally, corrections to student identification numbers on a small number of TAAS answer documents would prevent matching those documents to earlier student records.

Of those students in the study with answer documents, 92 percent took either the English or Spanish version of the 1996-97 Grade 5 TAAS reading test. The remaining students were receiving special education services and exempted from the TAAS by the admission, review, and dismissal committee (5%), LEP students who were exempted by the local language proficiency assessment committee (2%), and students who missed the test due to absence or other reasons (1%). The percentages are the same for the Grade 5 mathematics test. Because participation rates on the reading and mathematics tests are so similar, the following analysis focuses on participation in the reading test unless there are differences to be noted.

About 81 percent of all LEP students took the Grade 5 reading test and 83 percent took the mathematics test in either English or Spanish, compared to 94 percent of their non-LEP classmates. As would be expected, students who exited special language programs before 1996-97 were much more likely to have been tested in English than students still receiving bilingual education or ESL services. As Table 6 shows, just about half of the LEP students still in special language programs in 1996-97 were tested in English. For former LEP students (those students who had exited the special language programs by 1996-97), however, the rate of participation in the English TAAS was over 90 percent.

English TAAS participation of LEP students who were still in special language programs in 1996-97 did not vary significantly by type of program. Just over half of the students enrolled in either a fifth year of bilingual education or a fifth year of ESL took the Grade 5 TAAS reading test in English in1996-97, for example. However, 35 percent of the ESL students were exempted from the TAAS by their language proficiency assessment committee, compared to only 16 percent of the bilingual education students. The primary reason is availability of the Spanish version of the test, which was taken by 21 percent of the students still in bilingual education programs.

There is a relationship between prekindergarten attendance and participation in the Grade 5 TAAS for LEP students. As Table 7 shows, 79 percent of the LEP students in the study with Grade 5 answer documents who attended prekindergarten programs took the reading test in English.

Table 6
Participation in 1996-97 Grade 5 TAAS Reading Test by LEP Students Entering Grade 1 in 1992-93

Type of Language Program	Former LEP	Still Receiving Services		
	English TAAS	English TAAS	Spanish TAAS	LPAC Exempt
Bilingual Education	95%	54%	21%	16%
ESL	94%	55%	0%	35%
Bilingual to ESL	92%	45%	0%	47%
Combination Bil/ESL	92%	49%	12%	30%
Non-consecutive Services	90%	55%	11%	24%
No Services	92%	—	—	—

Source: TEA PEIMS 1992-93–1996-97; TAAS 1996-97 Spring, Year-round, and Spanish Tests

TAAS answer documents for the Grade 5 reading test were submitted for 33,676 LEP students from the 1992-93 first grade class. About 54 percent, or 18,267 students, were no longer receiving special language services and 46 percent, or 15,409, were still identified as LEP and receiving services.

BEST COPY AVAILABLE

Eighty percent took the mathematics test in English. Another 5 percent took the tests in Spanish. Of those who did not attend prekindergarten, 72 percent took the reading and mathematics tests in English and 8 percent took the tests in Spanish.

The percentage of LEP students tested varied by native language of the student. About 89 percent of LEP students speaking Asian languages took the 1996-97 Grade 5 TAAS reading test in English, compared to 74 percent of Spanish-speaking students. An additional 7 percent of Spanish-speaking students took the Spanish reading test. There are similar variations in participation in the mathematics test. One reason larger percentages of students with native languages other than Spanish took the English tests may be that larger percentages of those students received ESL services, which are designed to transition the student to English more quickly than bilingual education programs.

Economically disadvantaged students were less likely to take the Grade 5 TAAS than their classmates who were not economically disadvantaged. As Table 7 shows, this is true for both LEP and non-LEP students. Although a higher percentage of LEP students who were economically disadvantaged took the Spanish TAAS than students who were not economically disadvantaged, the percentage tested on both tests combined was still substantially lower than for non-economically disadvantaged students. Six percent of the economically disadvantaged LEP students had admission, review, and dismissal committee exemptions and 12 percent had LPAC exemptions. Eight percent of the economically disadvantaged non-LEP students had ARD exemptions.

There is a slight relationship between student mobility and Grade 5 TAAS participation for both LEP and non-LEP students. There is no relationship between Grade 5 TAAS participation and attendance rates for LEP students. On average, students who take either the English or Spanish TAAS and those who have LPAC exemptions all have high attendance rates.

Campus Characteristics. The four campus characteristics described earlier – campus size, percentage of students who are economically disadvantaged, percentage of students who have limited English proficiency, and percentage of students passing all TAAS tests taken – were examined in relation to 1996-97 Grade 5 TAAS. Analyses are based on all students for whom Grade 5 answer documents were submitted.

Although campuses in all size groups tested about the same percentages of LEP students, smaller campuses were more likely to test in English. Eighty percent of LEP students on campuses with fewer than 200 students took the English TAAS, compared to 71 percent on campuses with over 800 students. Students on smaller campuses were more likely to have been in ESL programs rather than bilingual education programs. There was no clear relationship between school-wide performance for individual campuses on the 1996-97 TAAS and percent of the 1992-93 Grade 1 LEP students who took the Grade 5 English TAAS in 1996-97.

Campuses with 5 percent or fewer LEP students school-wide were more likely to test their Grade 5 LEP students in English than campuses with higher percentages of LEP students. This can probably be attributed to the type of special language services students are receiving – campuses with smaller percentages of LEP students tend to provide more ESL than bilingual education programming. There is no relationship between percent economically disadvantaged students on a campus and participation of LEP students in the TAAS, although campuses with fewer economically disadvantaged students are more likely to take the tests in English.

Table 7
Participation in 1996-97 Grade 5 TAAS Reading Test by Students Entering Grade 1 in 1992-93

	LEP			
	English TAAS	Spanish TAAS	Total LEP	Not LEP
Socioeconomic Status				
Economically Disadvantaged	74%	7%	81%	91%
Not Economically Disadvantaged	89%	0%	89%	97%
Prekindergarten				
Prekindergarten	79%	5%	84%	92%
Did Not Attend	72%	8%	80%	91%
Not Eligible	–	–	–	97%
Mobility				
No Moves	77%	7%	84%	95%
1 Normative Move	75%	4%	79%	95%
1 Non-normative Move	74%	7%	81%	94%
2 or More Moves	73%	6%	79%	92%

Source: TEA PEIMS 1992-93–1996-97; TAAS 1996-97 Spring, Year-round, and Spanish Tests

Socioeconomic status, prekindergarten attendance, and mobility are related to Grade 5 TAAS participation of LEP students.

Grade 5 TAAS Performance

TAAS performance is one of three base indicators in the Academic Excellence Indicators System (AEIS) used to determine district accreditation status and campus performance ratings. For this study, performance on the 1996-97 Grade 5 English TAAS was analyzed for all non-special education students who entered Grade 1 in 1992-93. Percent passing each test, reading and mathematics, are presented in relation to student characteristics, program participation, and campus characteristics. Economically disadvantaged students had lower TAAS passing rates than their classmates, as did mobile students, regardless of English proficiency. Students passing the tests also had slightly better attendance than those who failed. LEP students performed better on the mathematics test than the reading test, and those who had previously taken the test in English performed better than first-time testers. Also, LEP students who had attended prekindergarten outperformed those who had not attended. Two campus characteristics — percentage of students who are economically disadvantaged and campus TAAS performance — were also related to TAAS performance.

Overall, 86 percent of the 1992-93 first graders tested passed the reading test and 88 percent passed the mathematics test. As Table 8 shows, LEP students did not perform as well on the Grade 5 English TAAS as their non-LEP classmates. The performance gap between LEP and non-LEP students was greater on the reading test, which 76 percent of LEP students passed compared to 88 percent of non-LEP students. For the non-LEP students, the passing rate on the mathematics test was very similar to that of the reading test. The LEP students, on the other hand, performed considerably better on the mathematics test, which is less language-dependent than the reading test.

Average TAAS performance varied by ethnicity for both LEP and non-LEP students. Table 8 shows passing rates on the Grade 5 English TAAS reading and mathematics tests for the three ethnic groups with more than 100 LEP students tested. Passing rates were lower for LEP students than their non-LEP classmates for all ethnic groups shown, with the exception of mathematics passing rates for Asian students, where the difference is not large enough to be statistically significant. Hispanic students had lower passing rates than non-Hispanic students on both tests among both the LEP and non-LEP groups. The largest performance gap between LEP and non-LEP students was for Hispanic students on the reading test.

Economically disadvantaged students had lower TAAS passing rates than their non-economically disadvantaged classmates regardless of English proficiency. There is only a one percentage point difference in passing rates between LEP and non-LEP students on the mathematics test after controlling for socioeconomic status, and for economically disadvantaged students the gap is in favor of the LEP students. However, there was still a six percentage point difference in the passing rates on the reading test for economically disadvantaged LEP and non-LEP students.

The Grade 5 TAAS passing rates for LEP students who attended prekindergarten in 1990-91 are two percentage points higher than for

Table 8
1996-97 Grade 5 English TAAS Performance for Students Entering Grade 1 in 1992-93

	Percent Passing			
	Reading		Mathematics	
	LEP	Not LEP	LEP	Not LEP
All Students	76%	88%	83%	89%
Ethnicity				
Asian	92%	96%	97%	98%
Hispanic	74%	83%	82%	85%
White	88%	93%	90%	94%
Socioeconomic Status				
Economically Disadvantaged	75%	81%	83%	82%
Not Economically Disadvantaged	91%	93%	94%	95%
Prekindergarten				
Prekindergarten	77%	79%	84%	81%
Did Not Attend	75%	81%	82%	82%
Not Eligible	—	94%	—	94%
Mobility				
Stable	78%	90%	85%	91%
1 Normative Move	74%	88%	83%	89%
1 Non-normative Move	77%	88%	84%	88%
2 or More Moves	72%	84%	80%	85%

Source: TEA PEIMS 1992-93–1996-97; TAAS 1996-97 Spring and Year-round Tests

TAAS performance of both LEP and non-LEP students varied based on student ethnicity, family socioeconomic status and mobility, and prekindergarten attendance.

those who did not attend. This is consistent with findings of a five-year study of prekindergarten programs in Texas public schools completed in 1994 (TEA, 1995). For non-LEP students the relationship is reversed – students who attended prekindergarten had TAAS passing rates one or two percentage points lower than those who were eligible but did not attend. This can be attributed to the performance of economically disadvantaged white students. There is no difference in passing rates for non-LEP Hispanic, Asian, and African American students who attended prekindergarten and those who were eligible but did not attend. Students who were not eligible for prekindergarten had substantially higher passing rates.

As Table 8 shows, LEP students who attended prekindergarten had higher mathematics passing rates than non-LEP students who attended prekindergarten. The performance gap on the reading test between LEP and non-LEP students who attended prekindergarten is only two percentage points, with non-LEP students out-performing LEP students.

The non-LEP students who remained on the same campus from 1992-93 to 1996-97 had higher TAAS passing rates than their mobile counterparts, as shown in Table 8. For LEP students the relationship is less clear; however, stable students had higher passing rates on both the reading and mathematics tests than students who moved two or more times. Both LEP and non-LEP students who moved two or more times had passing rates five to six percentage points lower than those of stable students.

About 27 percent of the LEP students taking the Grade 5 English TAAS did not take the Grade 4 English test the prior year. The large performance gap between LEP students taking the English TAAS for the first time and those who took the test the prior year is shown on Table 9. There is a 20-point difference in percent passing on the reading test for first-time TAAS takers and more experienced TAAS takers, and a 13-point difference on the mathematics test. After controlling for ethnicity, economically disadvantaged LEP students who had previously taken the TAAS passed the reading test at the same rate as non-LEP students who were economically disadvantaged and passed the mathematics test at the same or a higher rate.

As Table 9 shows, LEP students who are still receiving special language services in 1996-97 have much lower English TAAS passing rates on both the reading and mathematics tests than former LEP students who have exited the special language programs. The LEP students who are still receiving special language services may be in programs designed to develop English proficiency over a longer period of time, or they may be students who remained in programs longer because they were slower in developing English proficiency. Students who only exited the special language programs the prior year also had lower passing rates on the reading test than students who exited those programs earlier. Performance growth over time on the English TAAS for LEP students as they make the transition from special language programs to the regular classroom is discussed later in the next section.

There is a small difference in attendance rates of students who passed the 1996-97 Grade 5 English TAAS and students who failed. Students who failed the reading test missed about one more day of school each year over the five years from 1992-93 to 1996-97 than students who passed. Students who failed the mathematics test missed about one and a half more days a year than students who passed. This general pattern is true for both LEP and non-LEP students in the study.

Table 9
1996-97 Grade 5 English TAAS Performance for Students Entering Grade 1 in 1992-93

	Percent Passing LEP Students	
	Reading	Mathematics
First English TAAS	61%	74%
Former English TAAS Taker	81%	87%
Last Year in Special Language Program		
1996-97	55%	70%
1995-96	81%	88%
1994-95	87%	90%
1993-94	88%	91%
1992-93	88%	90%
Never	82%	87%

Source: TEA PEIMS 1992-93–1996-97; TAAS 1996-97 Spring and Year-round Tests

There is evidence of high growth in performance for LEP students between the first and second years of testing in English, and to a lesser degree between the second and third years of testing.

Grade 5 academic performance was not examined in relation to special language program participation patterns for several reasons. Although the primary goal of all special language programs is to develop student proficiency in English, secondary program goals vary. Consequently, different types of programs have different expectations regarding the number of years students will receive special language services before transitioning to English-only instruction. Districts report only whether students are in bilingual education or ESL programs. It is impossible to determine from these data whether students who continue to be served in special language programs into the later elementary grades are in programs designed to serve them through Grade 5 or simply failed to develop sufficient English proficiency in programs intended to exit students earlier. Also, since districts are allowed to exempt LEP students from the English TAAS for three administrations of the test, LEP students entering Texas public schools in Grade 1 are not required to take the English TAAS until Grade 6, and exemption rates vary by type of special language program. Finally, LEP students show high growth in academic achievement between their first and second TAAS tests. For these reasons statewide analyses of performance of LEP students on the English TAAS in relation to the six special language program participation patterns was postponed until those students have exited the programs and results from their second English TAAS are available. For students in this study, these analyses will be based on results from the Grade 7 English TAAS administered in 1998-99.

Table 10
1996-97 Grade 5 English TAAS Performance for Students Entering Grade 1 in 1992-93

	Percent Passing			
	Reading		Mathematics	
	LEP	Not LEP	LEP	Not LEP
Campus Size				
Under 200	70%	88%	76%	89%
200 to 400	72%	87%	81%	89%
400 to 600	75%	88%	82%	88%
600 to 800	77%	88%	85%	89%
Over 800	77%	88%	84%	88%
% Economically Disadvantaged				
Under 25%	89%	94%	91%	94%
25% to 50%	80%	90%	86%	91%
50% to 75%	76%	86%	83%	87%
Over 75%	74%	79%	82%	79%
Campus % LEP 1996-97				
No LEP Students	—	91%	—	92%
Under 5%	78%	90%	84%	90%
6% to 20%	76%	87%	82%	87%
Over 20%	75%	84%	83%	84%
Campus % Passing TAAS				
Under 65%	66%	74%	75%	74%
65% to 75%	76%	84%	84%	86%
75% to 85%	82%	90%	89%	91%
Over 85%	91%	96%	95%	96%

Source: TEA PEIMS 1992-93–1996-97; TAAS 1996-97 Spring and Year-round Tests

TAAS passing rates for both LEP and non-LEP students vary by campus characteristics.

Campus Characteristics. The 1996-97 Grade 5 English TAAS performance of students who entered Grade 1 in 1992-93 was examined in relation to the four campus characteristics — campus size, percentage of students who are economically disadvantaged, percentage of students with limited English proficiency, and percentage of students passing all TAAS tests taken. The LEP students on campuses with 600 or more students performed better on both the reading and mathematics tests than students on smaller campuses, as shown in Table 10. For non-LEP students there was no relationship between campus size and TAAS performance.

For LEP and non-LEP students, TAAS passing rates on the reading test decrease as a percentage of students on the campus who are economically disadvantaged increases. Passing rates on campuses with the fewest economically disadvantaged students (under 25%) were 15 points higher than passing rates on campuses with the most economically disadvantaged students (over 75%). For non-LEP students the same pattern exists on the mathematics test. For LEP students, the pattern is less pronounced on the mathematics test. This pattern remains when controlling for student socioeconomic status and ethnicity. For example, passing rates on the reading test for LEP and non-LEP economically disadvantaged Hispanic students are six to eight points higher on campuses with the fewest economically disadvantaged students than on

BEST COPY AVAILABLE

campuses with the most economically disadvantaged students. These findings suggest that a campus poverty factor may influence student academic performance independently of the influence on individual students of being economically disadvantaged.

There is no relationship between percent of LEP students on the campus in 1996-97 and TAAS performance for either LEP or non-LEP students after controlling for student ethnicity and socioeconomic status.

Because the Grade 5 TAAS performance of students entering Grade 1 in 1992-93 contributes to the overall campus performance, it is not surprising that average performance of students in the study increases as campus performance increases. It should also be noted in Table 10, however, that the performance gap between LEP and non-LEP students on the reading test is smaller on campuses with the highest TAAS performance (over 85% passing). The pattern is even more pronounced when comparing performance of LEP and non-LEP economically disadvantaged Hispanic students, where the performance gap of eight percentage points on campuses with the lowest TAAS performance is eliminated on campuses with the highest TAAS performance. This suggests that effective campuses, as measured by overall TAAS performance, may have more effective programs for LEP students than less effective campuses, based on this one indicator. To confirm this hypothesis, it would be necessary to examine the characteristics of effective campuses more closely, including variables such as special language program participation and TAAS participation of LEP students, as well as other indicators of effectiveness such as retention rates.

Performance Improvement

The Texas Learning Index (TLI) was developed to assess student progress across grades on the TAAS reading and mathematics tests. A TLI score of 70 corresponds to the passing standard at each grade level. Table 11 shows three years of TLI scores on the English TAAS reading and mathematics tests for students who took the tests all three years, and for LEP students who first took the tests in 1995-96 at Grade 4 or in 1996-97 at Grade 5.

Students entering Grade 1 in 1992-93 had average TLI scores on the reading tests of 80.3 at Grade 3, 81.7 at Grade 4, and 85.7 at Grade 5. As Table 11 shows, LEP students did not perform as well on the TAAS reading tests as their non-LEP classmates. This is consistent with the analysis of percent passing the test in Grade 5. The LEP students first tested at Grade 4 in 1995-96 did not perform as well on the Grade 4 reading test as either LEP or non-LEP students first tested at Grade 3. The LEP students first

Table 11
TLI Growth Between Grade 3 (1994-95) and Grade 5 (1996-97)

	Reading				
	Grade 3 1994-95	*Growth*	Grade 4 1995-96	*Growth*	Grade 5 1996-97
All Students	80.3	*1.4*	81.7	*4.0*	85.7
Not LEP	80.8	*1.3*	82.1	*4.0*	86.1
LEP					
First Tested 1994-95	75.8	*1.9*	77.7	*4.1*	81.8
First Tested 1995-96			74.9	*4.6*	79.5
First Tested 1996-97 Not Receiving Services					73.2
First Tested 1996-97 Receiving Services					69.4
	Mathematics				
	Grade 3 1994-95	*Growth*	Grade 4 1995-96	*Growth*	Grade 5 1996-97
All Students	75.5	*3.5*	79.0	*3.0*	82.0
Not LEP	75.8	*3.4*	79.1	*3.0*	82.1
LEP					
First Tested 1994-95	72.7	*4.6*	77.3	*3.8*	81.1
First Tested 1995-96			75.6	*4.6*	80.1
First Tested 1996-97 Not Receiving Services					79.8
First Tested 1996-97 Receiving Services					73.5

Source: TEA PEIMS 1992-93–1996-97; TAAS 1996-97 Spring and Year-round Tests

LEP students show high TLI growth the first three years they are tested on the English TAAS.

BEST COPY AVAILABLE

tested at Grade 5 who were no longer in special language programs performed worse on their first English TAAS than LEP students first tested in earlier grades. The average TLI for those still in special language programs was below the passing standard of 70, explaining the low percent passing for this group discussed in the last section.

Performance improvement on the reading test averaged 1.4 points between Grades 3 and 4, and 4 points between Grades 4 and 5. The higher growth between Grades 4 and 5 is true for both LEP and non-LEP students. However, the LEP students first tested at Grade 3 showed greater growth between their first two TAAS tests than the non-LEP students. The higher TLI growth between the first and second TAAS test was also evident for LEP students first taking the reading test in Grade 4, although it was not enough to close the performance gap between them and LEP students first tested earlier.

The TLI performance on the mathematics test over the three years follows a slightly different pattern, as shown on Table 11. The 1992-93 first grade class as a whole scored 4.8 TLI points lower on the Grade 3 mathematics test in 1994-95 than the reading test. Mathematics performance was still 3.7 points lower than reading performance on the Grade 5 test in 1996-97. As with the reading test, LEP students scored lower than non-LEP students on the mathematics test. However, the performance gap was smaller, and disappears after controlling for socioeconomic status and ethnicity of students tested. Among economically disadvantaged Hispanic students, for example, the LEP students who first took the mathematics test in English at Grade 3 in 1994-95 performed slightly better than their non-LEP classmates.

The LEP students first tested at Grade 4 in 1995-96 did not perform as well on the Grade 4 mathematics test as either LEP or non-LEP students first tested at Grade 3. However, LEP students not receiving services who were first tested at Grade 5 performed as well on the Grade 5 tests as LEP students first tested at Grade 4. Furthermore, the later LEP students took their first mathematics test in English, the higher their first test scores, with the exception of students still receiving special language services in 1996-97. Although students first taking the mathematics test in English in 1996-97 who were still in special language programs did not perform as well as former LEP students who had already exited the programs, on average their mathematics performance was better than their performance on the reading test.

Unlike the reading test, TLI growth was slightly higher between Grades 3 and 4 than between Grades 4 and 5 on the mathematics test, and cumulative growth across the three years was higher. The TLI growth between Grades 3 and 4 and Grades 4 and 5 was higher for LEP students than non-LEP students. The LEP students first tested at Grade 4 in 1995-96 also showed high TLI growth between their first and second tests.

Evidence of high growth between the first and second years of testing in English supports reports from educators that the transition to testing in English is difficult for LEP students. This has led to suggestions for expanding the types of test accommodations allowed for LEP students, especially those taking the English TAAS for the first time (TEA, 1997f).

Spanish TAAS Performance

In 1996-97, the statewide benchmark administration of the Grades 5 and 6 Spanish TAAS reading and mathematics assessments was conducted. Based on results from that test administration, the SBOE set a passing standard of 70 for each test. Of the LEP students entering Grade 1 in 1992-93, there were 2,237 who took the Grade 5 Spanish reading test and 2,223 who took the Grade 5 Spanish mathematics test in 1996-97. At the 70 percent passing standard, 29 percent of those students would have passed the reading test and 31 percent would have passed the mathematics test.

Virtually all of the students taking the Spanish tests were economically disadvantaged Hispanic students. Students tested in Spanish were slightly more likely than other LEP students to be enrolled on larger campuses, campuses with higher percentages of economically disadvantaged students, and campuses with higher percentages of LEP students. Almost all (98%) were receiving special language services in 1996-97, and about 80 percent had been in bilingual education programs for the five years from 1992-93 to 1996-97. An analysis of the Spanish test results did not reveal any statistically significant differences in percent passing by student and campus characteristics. This is due in part to the relatively small number of students taking the Spanish test and similar characteristics of the students tested.

Grade 4 TAAS Performance

Answer documents for the 1996-97 Grade 4 English TAAS were submitted for 42,428 students who entered Grade 1 in 1992-93 but were retained in grade before reaching Grade 5. The primary goal of retention is to give a student a year to grow and master the academic tasks of the current grade level before advancing to the next level (TEA, 1997d). Statewide, 1996-97 Grade 4 students did slightly better than 1995-96 Grade 4 students on the English TAAS, scoring one TLI point higher on the reading test and two TLI

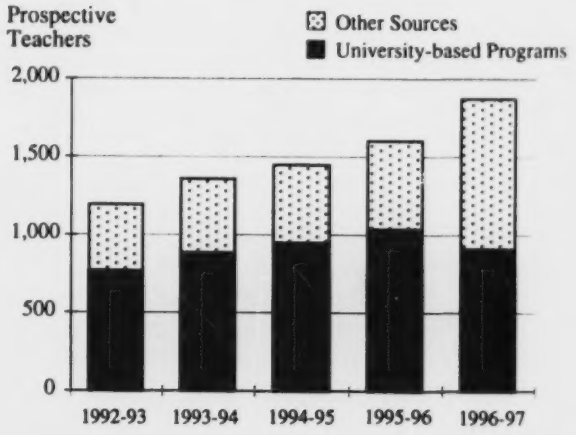
Teacher Preparation Issues

In response to a 1994-95 survey conducted by the Council of Chief State School Officers (CCSSO), Texas was one of 32 states indicating that they have licensing requirements for teachers of LEP students (CCSSO, 1997). Most states with licensing requirements, including Texas, require a teaching certificate and bilingual education or ESL endorsements. Texas is also one of only 11 states with alternative certification programs for individuals seeking ESL certification. Yet a shortage of certified bilingual education and ESL teachers continues to be a problem in Texas. Of the 16,559 bilingual education and ESL teachers in Texas public schools in the 1996-97 school year, 1,038 bilingual education and 1,348 ESL teachers were teaching on a permit, meaning they were not certified to teach the classes to which they were assigned. Bilingual education and ESL teachers accounted for 7 percent of all teachers but 22 percent of teachers on permit. In addition, 74 districts applied for exceptions that year to the requirement that they provide bilingual education programs in the elementary grades. These districts reported needing over 2,000 additional bilingual education teachers to provide the required programs.

In contrast, 1,878 prospective teachers received bilingual education certificates in 1996-97. This represents an increase of 57 percent from 1992-93, when 1,194 bilingual education teachers were certified. Although the number of prospective bilingual education teachers certified through the state's university-based teacher preparation programs increased by 20 percent from 1992-93 to 1996-97, most of the increase was from other sources such as alternative certification programs.

The inability of the state's teacher preparation programs to provide a sufficient number of qualified bilingual education and ESL teachers is due in part to the growth of the LEP population. The number of LEP students in the state increased by 158 percent in the 15 years from 1981-82 to 1996-97, compared to a 30 percent increase in size of the total student body. In fact, LEP students accounted for over one-third of the growth over that period. Growth of the LEP population continues – between 1995-96 and 1996-97 the LEP population increased by 7 percent compared to a 2 percent growth rate for the student body as a whole.

Bilingual Education Teachers Certified



Source: State Board for Educator Certification

LEP Student Enrollment Trends

	Total Enrollment	LEP Students	Percent LEP
1996-97	3,828,975	514,139	13%
1995-96	3,740,260	479,390	13%
1994-95	3,670,196	455,224	12%
1993-94	3,601,840	425,940	12%
1992-93	3,535,876	398,633	11%
1991-92	3,460,378	361,127	10%
1981-82	2,935,547	198,872	7%

Source: TEA PEIMS 1996-97

BEST COPY AVAILABLE

points higher on the mathematics test. However, for students who began first grade in 1992-93, retained students who took the Grade 4 English TAAS in 1996-97 did not perform as well as students who took the test on grade level the prior year, even though the retained students had received an additional year of instruction. As Table 12 shows, this was true for students regardless of English proficiency, socioeconomic status, or ethnicity.

Summary and Conclusions

Eighteen percent of the students entering Grade 1 in 1992-93 had limited English proficiency. The LEP students were predominantly economically disadvantaged Hispanic students and represented almost half of the Hispanic first graders. Fewer than 10 percent were identified as recent immigrants to the United States.

Socioeconomic Status. The fact that most LEP students are economically disadvantaged is important because economically disadvantaged students have not performed as well as their non-economically disadvantaged classmates, regardless of English proficiency. Both LEP and non-LEP students who are economically disadvantaged experienced higher retention rates than non-economically disadvantaged students. Those economically disadvantaged students who were promoted to Grade 5 in 1996-97 were less likely to take the TAAS, and those who took the English TAAS had lower passing rates. This relationship remained after controlling for student ethnicity. Statewide academic performance of economically disadvantaged students on the TAAS accountability indicator (percent passing summed across grades for students enrolled in the district by the fourth week in October) improved dramatically between 1993-94 and 1996-97. A continued focus on this student group will be important as their numbers increase. The 1996-97 first grade class had a higher percentage of economically disadvantaged students than the 1992-93 class – 56 percent compared to 51 percent.

Prekindergarten. Almost one-fourth of the students entering Grade 1 in 1992-93 attended prekindergarten programs two years earlier; 45 percent of the LEP students attended prekindergarten. Students who attended prekindergarten were less likely to be retained before Grade 5 than their classmates who were eligible for prekindergarten but did not attend; this was especially true for LEP students. Those LEP students who were promoted to Grade 5 in 1996-97 were more likely to take the TAAS and more likely to take the test in English if they had attended prekindergarten. The LEP students who attended prekindergarten also had higher passing rates on the Grade 5 English TAAS than their counterparts who did not attend.

Prekindergarten attendance increased in the state from 1992-93 to 1996-97. Almost one-third of 1996-97 beginning first graders attended prekindergarten two years earlier. Prekindergarten attendance of non-LEP students increased from 18 percent for 1992-93 first graders to 27 percent for 1996-97 first graders. About 48 percent of 1996-97 non-LEP first graders were eligible for prekindergarten based on socioeconomic status. Prekindergarten attendance of LEP students increased from 45 percent of 1992-93 first graders to 54 percent of 1996-97 first graders. All LEP students are eligible for prekindergarten.

Campus Characteristics. Not only districts located on the Texas/Mexico border, but also large urban areas such as Houston and Dallas have large populations of LEP students. Students with limited English proficiency are

Table 12
Grade 4 English TAAS Average TLI Scores for Students Entering Grade 1 in 1992-93

	Reading		Mathematics	
	Not Retained 1995-96 TAAS	**Retained** 1996-97 TAAS	**Not Retained** 1995-96 TAAS	**Retained** 1996-97 TAAS
All Students	81	72	78	68
LEP	76	71	76	67
Not LEP	81	73	78	68
Economically Disadvantaged	77	71	75	68
Not Economically Disadvantaged	86	77	82	70
Hispanic	77	71	76	67
Asian	86	75	84	70
White	85	76	81	71

Source: TEA PEIMS 1992-93–1996-97; TAAS 1996-97 Spring, Year-round, and Spanish Tests

Retained students who took the Grade 4 TAAS in 1996-97 did not perform as well as their classmates who took the test on grade level the prior year.

found in disproportionately large numbers on large campuses that have high percentages of economically disadvantaged students and poor TAAS performance. Since LEP students often attend campuses with poor TAAS performance school-wide, data for high performing campuses were examined to see if campus effectiveness extended to more effective programs for LEP students. High performing campuses had lower five-year retention rates for non-LEP students than campuses with poor TAAS performance, but higher retention rates for LEP students. There was no relationship between campus effectiveness and Grade 5 TAAS participation for those students who were promoted to Grade 5 in 1996-97. The performance gap between LEP and non-LEP students on the TAAS reading test is smaller on campuses with the highest TAAS performance, and disappears when comparing LEP and non-LEP economically disadvantaged Hispanic students. It is difficult to draw conclusions regarding campus effectiveness and quality of programs for LEP students from these findings.

Campuses with high percentages of economically disadvantaged students were also examined to determine if campus poverty influences academic performance independently of the influence on individual students of being economically disadvantaged. For LEP and non-LEP students, TAAS passing rates on the Grade 5 English reading and mathematics tests decrease as campus percent economically disadvantaged students increases. This pattern remains when controlling for student socioeconomic status and ethnicity, which suggests that there may be factors associated with campus poverty that are related to student performance.

Special Language Programs. Texas law requires districts to offer bilingual education programs to LEP students in the elementary grades if there are 20 students with the same language in the same grade. Otherwise they must offer ESL programs. Just over half (52%) of the 1992-93 first graders received only bilingual education services over the next five years, 14 percent received only ESL services, and 8 percent were moved from bilingual education programs to ESL programs in later grades. The remainder of the LEP students received some other combination of bilingual education and ESL services (3%), had a break in services (15%), or received no special language services at the parents' request (8%). Over half (57%) of the LEP students received special language services for at least four years from 1992-93 to 1996-97.

The LEP students who received the same type of special language services all five years, whether that was bilingual education, ESL, or no services, were more likely to have remained on the same campus all five years than other LEP students. Students who made a non-normative move and those who made two or more moves were more likely to have been in a mix of bilingual education and ESL programs or to have had a break in services during the five years. Students who received a mix of services or had a break in services were more likely to be retained.

Grade 5 LEP students who had exited the special language programs before 1996-97 had very high English TAAS participation rates. They also had much higher TAAS passing rates on both the reading and mathematics tests than students who were not yet classified as English proficient and were still receiving special language services.

The LEP students who were first tested in English at Grade 3 had higher TLI scores on the Grade 5 reading and mathematics tests than those first tested at Grade 4, and students first tested at Grade 4 had higher TLI scores than those first tested at Grade 5. Students first tested in 1996-97 who were still receiving special language services had the lowest average TLI scores. Whether they were first tested at Grade 3 or Grade 4, LEP students showed high TLI growth between their first and second reading and mathematics tests. This high growth may suggest a need to expand the types of test accommodations allowed for LEP students during their first year of testing in English.

Performance on the Grade 5 English TAAS was not examined in relation to the six special language program participation patterns because different types of programs have different expectations regarding the number of years students will receive services before transitioning to English. As a result, exemption rates for the Grade 5 English TAAS vary. Also, LEP student performance on the English TAAS improves significantly between the first and second test. Therefore, analysis of performance in relation to type of special language services was postponed until Grade 7 TAAS results for the students in the study are available in 1998-99.

Special Education. Fewer LEP students are identified as needing special education services in Grade 1 than their non-LEP classmates – 4 percent compared to 8 percent for non-LEP students. Over the next five years, the percentage of students receiving special education services increases, and the gap between LEP and non-LEP students narrows. In 1996-97, 13 percent of the LEP students and 15 percent of the non-LEP students who entered Grade 1 in 1992-93 were receiving special education services. Analysis of five-

year special education program participation patterns for LEP students does not reveal any pattern of identification for special education services in relation to participation in, or exit from, special language programs.

Retention. Students with limited English proficiency entering Grade 1 in 1992-93 were more likely to be retained before reaching Grade 5 than their non-LEP classmates; 18 percent of LEP students were retained. Highest retentions for both LEP and non-LEP students were at Grade 1. Retained students who took the Grade 4 TAAS in 1996-97 did not perform as well as students who took the Grade 4 test on grade level the prior year. These data are consistent with extensive research on the effects of retention that consistently indicates that the practice produces no long-term academic benefits (TEA, 1997d).

Attendance and Mobility. Students entering Grade 1 in 1992-93 who were retained before Grade 5 had lower attendance rates than students who were promoted to Grade 5 in 1996-97. Although there was no relationship between attendance and TAAS participation, students who passed the Grade 5 English TAAS had slightly higher average attendance rates than students who failed. Mobile students, especially those who had made two or more moves over the five years, were also more likely to be retained, less likely both to take the Grade 5 TAAS and to take it in English, and more likely to fail the test than stable students. These findings reinforce earlier research concerning the educational progress of students in Texas public schools (TEA, 1997a; TEA, 1997b).

There were 295,950 students enrolled in Texas public schools in Grade 1 for the first time in 1996-97, an 8 percent increase over 1992-93. Twenty percent of the 1996-97 first graders were identified as having limited English proficiency. About 6 percent of the 1992-93 Grade 1 LEP students were not identified as having limited English proficiency in Grade 1. If this same pattern is true for 1996-97 first graders, that class could be as high as 22 percent limited English proficient, compared to 18 percent in 1992-93. Increased attention will be focused on this population of students over the next few years as educators implement the new Texas Essential Knowledge and Skills for bilingual and ESL education, curriculum and instruction are aligned with the new Spanish versions of the TAAS tests, and Spanish TAAS results are included in the state accountability rating system used to accredit school districts and rate campuses.

Selected References

Legal Documents

Act approved June 1, 1959, ch. 481, 1959 Tex. Gen. Laws 1052.

Act approved June 6, 1975, ch. 334, 1975 Tex. Gen. Laws 877.

Act approved May 22, 1969, ch. 289, 1969 Tex. Gen. Laws 871.

Act approved June 12, 1981, ch. 498, 1981 Tex. Gen. Laws 2138.

Act approved June 16, 1989, ch. 813, 1989 Tex. Gen. Laws 3678.

Act approved June 16, 1989, ch. 1179, 1989 Tex. Gen. Laws 4815.

Bilingual Education Act of 1968, Pub. L. No. 90-247, Title VII, §701 *et seq.*, 81 Stat. 816 (1968).

Bilingual Education Act of 1974, Pub. L. No. 93-380, Title VII, §701 *et seq.*, 88 Stat. 503 (1974).

Bilingual Education and Training Act of 1973, ch. 392, 1973 Tex. Gen. Laws 860.

Civil Rights Act of 1964, Pub. L. No. 88-352, Title VI, §401 *et seq.*, 78 Stat. 252 (1964).

Education Reform Act of 1984, ch.28, 1984 Tex. Gen. Laws 117.

Emergency School Aid Act of 1972, Pub. L. No. 92-318, Title VII, §701 *et seq.*, 86 Stat. 354 (1972).

English Only Act of 1918, ch. 80, 1918 Tex. Gen. Laws 170.

Equal Educational Opportunities Act of 1974, Pub. L. No. 93-380, Title II, §201 *et seq.*, 88 Stat. 514 (1974).

Lau v. Nichols, 414 U.S. 563 (1974).

State Board of Education. (1978a). Emergency rules regarding bilingual education, adopted to be effective June 16, 1978, 3 TexReg 2165.

State Board of Education. (1978b). Rules regarding bilingual education, adopted to be effective December 8, 1978, 3 TexReg 4145.

State Board of Education. (1981a). Emergency rules regarding bilingual education and special language programs, adopted to be effective July 17, 1981, 6 TexReg 2614.

State Board of Education. (1981b). Rules regarding bilingual education and special language programs, adopted to be effective December 11, 1981, 6 TexReg 4456.

State Board of Education. (1986b). Rules regarding student assessment of basic skills, adopted to be effective August 8, 1986, 11 TexReg 3400.

State Board of Education. (1991b). Rules regarding essential elements for English as a second language in Grades 7-8, adopted to be effective December 23, 1991, 16 TexReg 7015 (1991).

State Board of Education. (1991c). Rules regarding essential elements for Grades 7-8, adopted to be effective December 23, 1991, 16 TexReg 7011.

State Board of Education. (1991d). Rules regarding essential elements for Grades 9-12, adopted to be effective December 27, 1991, 16 TexReg 7175.

State Board of Education. (1991e). Rules regarding essential elements for prekindergarten through Grade 6, adopted to be effective December 23, 1991, 16 TexReg 70 [serialized at 16 TexReg 7089 (1991)].

Texas Administrative Code. (1997). Austin, TX: Texas Education Agency.

Texas Administrative Code. (1996). Austin, TX: West Publishing Co.

United States v. State of Texas, 342 F. Supp. 24 (E.D. Tex. 1971), *aff'd per curiam*, 466 F.2d 518 (5th Cir. 1972).

United States v. State of Texas, 506 F. Supp. 405 (E.D. Tex. 1981), *rev'd on other grounds*, 680 F.2d 356 (5th Cir. 1982).

Nonlegal Documents

Arizona Department of Education. [1977]. *Task force findings specifying remedies available for eliminating past educational practices ruled unlawful under "Lau versus Nichols."* Phoenix, AZ: Author. (ERIC Document Reproduction Service No. ED 158 358)

August, Diane & Hakuta, Kenji, editors. (1997). *Improving Schooling for Language-Minority Children: A Research Agenda*. Committee on Developing a Research Agenda on the Education of Limited-English-Proficient and Bilingual Students. Board on Children, Youth, and Families. Commission on Behavioral and Social Sciences and Education. National Research Council. Institute of Medicine. Washington, DC: National Academy Press.

Baker, Colin. (1990). "The Effectiveness of Bilingual Education." *Journal of Multilingual and Multicultural Development*. 11(4), pp. 269-277.

Carter, T.P. & Chatfield, M.L. (1986). "Effective Bilingual Schools: Implications for Policy and Practice." *American Journal of Education*. November 1986: 201-232.

Council of Chief State School Officers. (1996). *Systemic Reform and Limited English Proficient Students*. Washington, DC: Author.

Hardgrave, R., Jr., & Hinojosa, S. (1975). *The politics of bilingual education: A study of four Southwest Texas communities*. Manchaca, TX: Sterling Swift.

Harrington, C. (1980, August). *Bilingual education in the United States: A view from 1980* (Urban Diversity Series No. 68). New York: ERIC Clearinghouse on Urban Education.

House Study Group. (1981, December). *Bilingual education law in Texas* (Special Legislative Rep. No. 78). Austin, TX: Texas House of Representatives.

Leo, D.G. (1985). *A historical and political analysis of bilingual education in Texas, 1974-1983: An educator's perspective*. Doctoral dissertation, University of Houston, Houston.

Moss, M. & Puma, M. (1995). Prospects: The Congressionally Mandated Study of Educational Growth and Opportunity. First Year Report on Language Minority and Limited English Proficient Students. Prepared for Office of the Under Secretary, U.S. Department of Education by Abt Associates, Inc. Cambridge, MA.

National Center for Education Statistics. (1997). *A Profile of Policies and Practices for Limited English Proficient Students: Screening Methods, Program Support, and Teacher Training*. SASS 1993-94. Washington, DC: U.S. Department of Education.

National Center for Education Statistics. (1995). *State Comparisons of Education Statistics: 1969-70 to 1993-94*. Washington, DC: U.S. Department of Education.

Office for Civil Rights. (1970). *Memorandum of May 25, 1970, from J. Stanley Pottinger, Director, Office for Civil Rights, to school districts with more than five percent national origin-minority group children*. Washington, DC: U.S. Department of Health, Education, and Welfare.

Office for Civil Rights. [1975]. Task force findings specifying remedies available for eliminating past educational practices ruled unlawful under *Lau v. Nichols*. Reprinted in Arizona Department of Education, *Task force findings specifying remedies available for eliminating past educational practices ruled unlawful under "Lau versus Nichols"* (pp. 39-50). Phoenix, AZ: Author. (ERIC Document Reproduction Service No. ED 158 358)

Office for Civil Rights. [1982]. *Correspondence of [March 15, 1982], from Taylor D. August, Director, Office for Civil Rights, Region VI, to Raymon L. Bynum, Commissioner, Texas Education Agency.* Dallas, TX: U.S. Department of Education.

Olson, J.F. & Goldstein, A.A. (1996). "Increasing the Inclusion of Students with Disabilities and Limited English Proficient Students in NAEP." *Focus on NAEP*, 2(1). Washington, DC: National Center for Education Statistics.

San Miguel, G., Jr. (1987). *'Let all of them take heed:' Mexican Americans and the campaign for educational equality in Texas, 1910-1981*. Austin, TX: University of Texas Press.

State Board for Educator Certification. (1997). *Texas Teachers, Reality vs. Myth*. Austin, TX: Author.

State Board of Education. (1971, June). Statewide Design for Bilingual Education. *Agenda: June 5, 1971*. Austin, TX: Texas Education Agency.

State Board of Education. (1974a, June). Minutes of State Board of Education, May 11, 1974: Report of the Committee on Priorities. *Agenda: June 18, 1974*. Austin, TX: Texas Education Agency.

State Board of Education. (1974b). *Recommendations for legislative consideration on public education in Texas*. Austin, TX: Texas Education Agency.

State Board of Education. (1986a, June). Request for the adoption of tests and approval of passing standards for Grades 1, 3, 5, 7, 9, and 11 Texas Educational Assessment of Minimum Skills (TEAMS). *Minutes of State Board of Education, June 14, 1986*. Austin, TX: Texas Education Agency.

State Board of Education. (1991a, March). An executive summary of alternative certification programs in Texas during school year 1990-1991. *Agenda: March 8, 1991*. Austin, TX: Texas Education Agency.

State Board of Education. (1994, September). Adoption of five-year plan for assessment and next steps for the curriculum. *Minutes of State Board of Education, July 8, 1994*. Austin, TX: Texas Education Agency.

State Board of Education. (1997, September). "Update on Implementation of State Waivers." *Minutes: September 11, 1997*. Austin, TX: Texas Education Agency.

Task Force on Bilingual Education. (1981, April). *Executive Order WPC-20: Report and recommendations*. Austin, TX: Author.

Texas Education Agency. (1962). *A report on the Preschool Instructional Program for Non-English-Speaking Children during the first three summers of operation in Texas schools*. Austin, TX: Author.

Texas Education Agency. [1972]. *A resource manual for implementing bilingual education programs*. Austin, TX: Author.

Texas Education Agency. [1974]. *48th biennial report*, 1972-1974. Austin, TX: Author.

Texas Education Agency. (1987). *Implementing education reform: A report to the Texas Legislature from the State Board of Education and the Texas Education Agency, 1984-1986* (GE7 741 01). Austin, TX: Author.

Texas Education Agency. (1990). *Success Stories: A Case Study of Bilingual/ESL Education*. Final Program Evaluation Report: Bilingual/ESL Education. Austin, TX: Author.

Texas Education Agency. (1990-1996). *Public Education Information Management System Data Standards*. Annual. Austin, TX: Author.

Texas Education Agency. (1994). *Texas Teacher Diversity and Recruitment*. Teacher Supply, Demand, and Quality Policy Research Project. Policy Research Report Number 4. Austin, TX: Author.

Texas Education Agency. (1995). *Texas Evaluation Study of Prekindergarten Programs: Final Report*. Austin, TX: Author.

Texas Education Agency. (1996). *1994-95 Report on Grade Level Retention of Texas Students*. Austin, TX: Author.

Texas Education Agency. (1997a). *Systemwide Elementary Reform (SER) Grade 2 Interim Report*. Statewide Texas Educational Progress Study. Austin, TX: Author.

Texas Education Agency. (1997b). *A Study of Student Mobility in Texas Public Schools*. Austin, TX: Author.

Texas Education Agency. (1997c). *Snapshot '96: 1995-96 School District Profiles*. Austin, TX: Author.

Texas Education Agency. (1997d). *1995-96 Report on Grade Level Retention of Texas Students*. Austin, TX: Author.

Texas Education Agency. (1997e). *Interpreting Assessment Reports: Texas Assessment of Academic Skills and End-of-Course Examinations*. Austin, TX: Author.

Texas Education Agency. (1997f). *Expanding the Scope of the Texas Public School Accountability System*. Policy Research Report Number 9. Austin, TX: Author.

Texas Education Agency. (1997g). *Texas Esssential Knowledge and Skills: An Overview for Agency Staff*. Austin, TX: Author.

U.S. Commission on Civil Rights. (1974). *Toward quality education for Mexican Americans* (Mexican American Education Study Rep. No. 6). Washington, DC: U.S. Government Printing Office.

U.S. Commission on Civil Rights. (1975). *A better chance to learn: Bilingual-bicultural education* (Clearinghouse Publication No. 51). Washington, DC: Author. (ERIC Document Reproduction Service No. ED 107 417)

Vega, J.E. (1983). *Education, politics, and bilingualism in Texas*. Washington, DC: University Press of America.

Yarborough, R. (1992). Introducing the Bilingual Education Act. Reprinted in J. Crawford (Ed.), *Language loyalties: A source book on the official English controversy* (pp. 322-325). Chicago: University of Chicago Press.

PUBLICATION ORDER FORM

Purchaser Name _____ Date _____

Send to (name, if different) _____

Address _____

_____

City _____ State _____ Zip _____

To place an order for a publication, fill out information below and make check or money order payable to:
Texas Education Agency
Price includes postage, handling, and state tax.

Publication Number	Title of Publication	Quantity	Price Per Copy	Total Price
GE8 600 03	Academic Achievement of Elementary Students With Limited English Proficiency in Texas Public Schools	_____	$3.50	_____

For Tax Exempt Orders Only

To place an order for a publication, fill out information below and make check or money order payable to:
Texas Education Agency
Price includes postage and handling.

Publication Number	Title of Publication	Quantity	Price Per Copy	Total Price
GE8 601 03	Academic Achievement of Elementary Students With Limited English Proficiency in Texas Public Schools	_____	$3.25	_____

FOR PUBLICATION INQUIRIES AND PURCHASE ORDERS*, SEND TO:

Texas Education Agency
Publications Distribution
1701 North Congress Avenue
Austin, Texas 78701-1494

**Purchase orders are accepted only from Texas educational institutions and government agencies.*

IF YOU ARE MAILING A CHECK OR MONEY ORDER, REMIT THIS FORM WITH PAYMENT TO :

Texas Education Agency
Publications Distribution
P. O. Box 13817
Austin, Texas 78711-3817

Make check or money order payable to:
Texas Education Agency

COMPLIANCE STATEMENT

TITLE VI, CIVIL RIGHTS ACT OF 1964; THE MODIFIED COURT ORDER, CIVIL ACTION 5281, FEDERAL DISTRICT COURT, EASTERN DISTRICT OF TEXAS, TYLER DIVISION

Reviews of local education agencies pertaining to compliance with Title VI Civil Rights Act of 1964 and with specific requirements of the Modified Court Order, Civil Action No. 5281, Federal District Court, Eastern District of Texas, Tyler Division are conducted periodically by staff representatives of the Texas Education Agency. These reviews cover at least the following policies and practices:

(1) acceptance policies on student transfers from other school districts;

(2) operation of school bus routes or runs on a nonsegregated basis;

(3) nondiscrimination in extracurricular activities and the use of school facilities;

(4) nondiscriminatory practices in the hiring, assigning, promoting, paying, demoting, reassigning, or dismissing of faculty and staff members who work with children;

(5) enrollment and assignment of students without discrimination on the basis of race, color, or national origin;

(6) nondiscriminatory practices relating to the use of a student's first language; and

(7) evidence of published procedures for hearing complaints and grievances.

In addition to conducting reviews, the Texas Education Agency staff representatives check complaints of discrimination made by a citizen or citizens residing in a school district where it is alleged discriminatory practices have occurred or are occurring.

Where a violation of Title VI of the Civil Rights Act is found, the findings are reported to the Office for Civil Rights, U.S. Department of Education.

If there is a direct violation of the Court Order in Civil Action No. 5281 that cannot be cleared through negotiation, the sanctions required by the Court Order are applied.

TITLE VII, CIVIL RIGHTS ACT OF 1964 AS AMENDED BY THE EQUAL EMPLOYMENT OPPORTUNITY ACT OF 1972; EXECUTIVE ORDERS 11246 AND 11375; EQUAL PAY ACT OF 1964; TITLE IX, EDUCATION AMENDMENTS; REHABILITATION ACT OF 1973 AS AMENDED; 1974 AMENDMENTS TO THE WAGE-HOUR LAW EXPANDING THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967; VIETNAM ERA VETERANS READJUSTMENT ASSISTANCE ACT OF 1972 AS AMENDED; IMMIGRATION REFORM AND CONTROL ACT OF 1986; AMERICANS WITH DISABILITIES ACT OF 1990; AND THE CIVIL RIGHTS ACT OF 1991.

The Texas Education Agency shall comply fully with the nondiscrimination provisions of all federal and state laws, rules, and regulations by assuring that no person shall be excluded from consideration for recruitment, selection, appointment, training, promotion, retention, or any other personnel action, or be denied any benefits or participation in any educational programs or activities which it operates on the grounds of race, religion, color, national origin, sex, disability, age, or veteran status (except where age, sex, or disability constitutes a bona fide occupational qualification necessary to proper and efficient administration). The Texas Education Agency is an Equal Opportunity/Affirmative Action employer.

Texas Education Agency
1701 North Congress Avenue
Austin, Texas 78701-1494

Document Number GE8 600 03
January 1998